

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34251 of 2016**

Arising Out of PS.Case No. -674 Year- 2015 Thana -NALANDA COMPLAINT CASE District-  
NALANDA (BIHARSHARIFF)

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1. Ram Pravesh Prasad Son of Kapil Prasad Resident of Banarasi Bigha,  
P.S. - Islampur, District - Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Mantu Devi Wife of Ram Pravesh Prasad, Daughter of Late Muneshwar  
Prasad Resident of Chandanpura, P.S. Islampur, District Nalanda.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shyamal Prakash  
For the Opposite Party/s : Mr. Dilip Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR**  
**SINGH**  
ORAL ORDER

2      11-08-2016      Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 341,323,498A and 504/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the accusation of torture has been levelled after 18 years of marriage. The petitioner admits his marriage with the complainant and birth of two children and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect

has been made in paragraph no. 12 of the petition which reads as follows:

“ That despite of the facts as mentioned in the preceding paragraphs, the petitioner is still ready to keep the complainant with him as his legally wedded wife with all dignity, respect, love and honour.”

It is further submitted that similar was the stand of the petitioner before the learned court below.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Hilsa (Nalanda) in connection with Complaint Case No. 674C of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the

matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

Anil/-

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