

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31349 of 2016

Arising Out of PS.Case No. -2189 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Raju Ram Son of Ram Avtar Ram Resident of Village- Chawani Chowk
Chudhiya Mai Asthan P.S. Manuapul, District West Champaran Bettiah.

.... Petitioner

Versus

1. The State of Bihar

2. Soni Devi W/o Raju Ram, D/o Mangal Ram R/o Pioni Bag, Baswariya,
Ward No. 32, P.S. Bettiah Nagar, District West Champaran Bettiah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta

For the Opposite Party/s : Mr. Gajendra Prasad Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-08-2016

Heard learned counsel for the parties.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:

"That the petitioner is ready to keep the complainant with all respect and dignity but complainant is not ready to go with the petitioner."

It is further submitted that similar stand was taken by the petitioner before the learned court below but the offer of the petitioner was not accepted by the complainant, which gets reflected from the impugned order passed by the learned Sessions Judge, West Champaran, Bettiah. It is further submitted that earlier the complainant filed Bettiah(M) P.S.Case No. 361/2013 against the petitioner with similar accusation, wherein the petitioner has been granted bail.

Considering the present stand of the petitioner, let the abovenamed petitioner be released on anticipatory bail, in the event of his 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 the S.D.J.M., West Champaran, Bettiah in Complaint Case No. 2189C/2013, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The grant of bail to the petitioner will not preclude the complainant from resuming the conjugal life. If the complainant files any such application before the learned court below, the petitioner will be under obligation to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

Surendra/-

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