

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33486 of 2016

Arising Out of PS.Case No. -448 Year- 2013 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

=====

1. Vijai Chaudhary Son of Nageshwar Chaudhary R/o -vill- Gandhu Garh,
P.S.-Bhagawanganj, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Jai Chaudhary D/o Krishan Chaudhary R/o vill- Harpur
Lakha, P.S.-Chauri, District-Bhojpur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Shantanu Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 09-08-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have 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 learned counsel for the petitioner that petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 7 of the petition which reads as follows:-

“That the petitioner wants to

keep complainant as wife with full dignity and honour.”

It is further submitted that complainant has filed Matrimonial Suit No. 87 of 2013 with a prayer for divorce. Even then the petitioner is ready to keep the complainant. Similar was the stand of the petitioner before the learned court below, but it appears from the impugned order that the learned court below has not taken effort to get the issue reconcile.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No. 448C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within six months by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant

fails to appear before the learned court.



P.K./-

U		T	
---	--	---	--

(Dinesh Kumar Singh, J)