

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28835 of 2016

Arising Out of PS.Case No. -587 Year- 2015 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Amit Kumar age about 30 years son of Sri Subhash Chandra Gupta,
resident of Mohalla- Daldali road Danapur, Post- Danapur, Police Station-
Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kamini Kumari daughter of Sri Rajehwar Prasad Sah Resident of
Village- Sohratta, Hajipur Police Station- Vaishali (Belsor O.P.)
District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar
For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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

03/ 27-10-2016 Heard learned counsels for the petitioner and the
State.

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 Sections 498A of the
Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant and birth of two children. The petitioner is ready to

keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 14 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife and children with full honour and dignity.”

It is further submitted that the petitioner is making payment of Rs.14561/- per month to the complainant by way of maintenance. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:-

“That it is stated that petitioner employer is deducting Rs.14,561/- from the monthly salary of the petitioner for payment of maintenance to wife and children of petitioner. The employer is paying the said amount to wife of petitioner through money order.”

Notices were issued to the complainant vide order dated 14.07.2016. The office note dated 26.10.2016 reflects that ordinary process of notice has been received by the counsel for the opposite party no. 2 appearing before the learned court below. However, service report of registered cover of notice is still awaited. In the circumstances, the notices issued to opposite party no. 2 is treated as deemed valid service.

Considering the presesnt stand of the petitioner, let the above named petitioner be released on provisional

anticipatory bail for one year 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 Judicial Magistrate, Ist Class, Hajipur (Vaishali) in connection with Complaint Case No. C1 587 of 2015, 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 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.

(Dinesh Kumar Singh, J)

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