

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34042 of 2016

Arising Out of PS.Case No. -1175 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Ajay Kumar Mahto son of Tanuk Lal Mahto.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been 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. The petitioner has filed Matrimonial Suit No. 01 of 2016 for restitution of conjugal right and is still ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant with all dignity and honour.”

It is further submitted that similar was the stand of the

petitioner before the learned court below which gets reflected from the impugned order.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Purnea in connection with Complaint Case No. 1175 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 for her appearance when the petitioner will take the complainant to her matrimonial house 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 (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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