

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46103 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -CHHABILAPUR District- NALANDA
(BIHARSHARIFF)

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Viresh Rajbanshi

.... Petitioner/s

Versus

1. State of Bihar
2. Rani Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Opposite Party/s : Mr. Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offence punishable under Sections 341,323,498A and 379/34 of the Indian Penal Code.

The basic accusation is of torture after thirteen years of marriage.

On instructions, it is submitted that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

“ That the petitioner is ready to keep the informant with full honour and dignity, but the informant is not ready to live at her Sasural.”

It is further submitted that similar was the stand of the petitioner before the learned court below but inspite of issuance of notice the informant chose not to appear.

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 six 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 II, Nalanda, Bihar Sharif in connection with Chhabilapur P.S. Case No. 3 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and on her appearance the petitioner will take the informant 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 informant fails to appear before the learned court below
or (iii) if the informant deliberately gets reluctant to
reconcile the issue.

(Dinesh Kumar Singh, J)

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