

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37486 of 2016

Arising Out of Complaint Case No. -883 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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Sunil Kumar Keshari, Son of Gopal Sah

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi @ Chinta Devi W/o Sunil Kumar Keshari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-08-2016

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 being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

"That the petitioner never demanded dowry from his wife and never deserted his beloved wife he is ready to keep his

wife with full dignity and respect in his respective home."

It is further submitted that similar was the stand of the petitioner before the learned Court below. The petitioner has filed Matrimonial Suit No. 39/2014 with a prayer for divorce, but at present he is ready to withdraw the same, though, statement to that effect has not been made in the petition.

It appears from the impugned order that similar was the stand of the petitioner before the learned Court below, but subsequently, the petitioner failed to appear before the learned Court below.

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 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 CJM, Kaimur at Bhabhua, in connection with Complaint Case No.883 (C) of 2014, 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. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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