

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56252 of 2015

Arising Out of PS.Case No. -1573 Year- 2015 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Rajan Kumar, Son of Jagdish Sah, Resident of Village- Patwa Toli, Ward
No.-6, P.O.+P.S.- Lalganj, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Preeti Kumari D/o Naresh Sah, Resident of Village- Patwa Toli, Ward
No.-6, P.O.+P.S.- Lalganj, District- Vaishali.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 26-04-2016 Heard learned counsel for the petitioner and
learned APP for 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 the learned counsel for the petitioner that the petitioner admits the marriage with the complainant and birth of a male child. Though the Matrimonial Suit No. 272 of 2014 was filed with consent of the complainant under Section 13B of the Hindu Marriage Act for dissolution of

marriage, but since the complainant claims that her signature was obtained under coercion and the same has already been dismissed. The petitioner is ready to keep the complainant with child as wife with full dignity and honour. Statement to that effect has been made in para-4 of the supplementary affidavit which reads as follows:-

“That it is respectfully submitted that the petitioner is still ready to keep complainant with full dignity and honour.”

It is further submitted that petitioner has not performed second marriage. Statement to that effect has been made in para-3 of the supplementary affidavit which reads as follows:-

“That it is humbly submitted that the petitioner has not performed second marriage. The allegation of complainant regarding second marriage is hereby specifically denied.”

Learned counsel for the complaint submits that the complainant is ready to accept the offer of the petitioner.

Both the petitioner and informant appear before the learned court below on 03rd of May, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour with himself either at his village home or at his place of work.

Considering the present stand of the parties, 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 Dharmendra Sinha, J.M., Vaishali at Hajipur in connection with Complaint Case No. 1573 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year 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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