

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58085 of 2015

Arising Out of PS.Case No. -738 Year- 2014 Thana -NAWADA District- NAWADA

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1. Deepak Vishkarma @ Dipak Vishwakarma son of Suraj Vishkarma
2. Shivani Devi @ Vilashi, wife of Suraj Vishkarma, Both Resident of Mohalla- Lohapatti (Giridih), P.S.- Giridih, District- Giridih (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Devi wife of Dipak Vishwakarma, Resident of Mohalla- Lohapatti (Giridih), P.S.- Giridih, District- Giridih (Jharkhand), Present Address:- Daughter of- VAsudeo Vishwakarma, Resident of Mohalla- Ram Nagar Nawada, P.S.- Nawada, District- Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. Md.A.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the informant and petitioner no.2 being the mother of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 498A, 406, 379 and 307 of the Indian Penal.

The basic accusation is of torture, making assault and driving out the informant from the matrimonial house.

Learned counsel for the petitioners submits that the petitioner no.1 admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A

statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner no.1 is ready to keep the informant with full dignity and honour.”

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 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 CJM, Nawada in connection with Nawada Town (Nagar) P.S. Case No. 738 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 informant for her appearance. On her appearance, the petitioner no.1 will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.1 will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

Considering the present stand of the petitioner no.1, let the above named petitioner no.2 be released on anticipatory bail 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, Nawada in connection with Nawada Town (Nagar) P.S. Case No. 738 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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