

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45008 of 2016

Arising Out of PS.Case No. -548 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Umesh Singh @ Umesh Kumar Singh son of Bechan Singh.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-10-2016

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 and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is the husband of the complainant and always ready to keep her and her children with all respect and dignity....”

It is further submitted that similar was the stand of the

petitioner before the learned court below and the offer of the petitioner was accepted by the complainant which gets reflected from para 3 of the impugned order which reads as follows:-

“The husband has stated that he is ready to keep his wife (complainant). Wife has also stated that she is willing to go with her husband”.

It appears that learned Sessions Judge has disposed of the anticipatory bail application of the petitioner with a direction to the learned Magistrate to grant provisional bail to the petitioner if he surrenders with his wife. The provisional bail of the petitioner was to be confirmed by learned court below on restoration of matrimonial harmony.

It is submitted by the learned counsel for the petitioner that since the complainant was not ready to accompany the petitioner, hence the petitioner could not surrender.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for three 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 SDJM, Sadar, Sitamarhi in connection with Complaint Case No.

CI-548 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 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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