

Arising from the above facts, the following questions arise for consideration:

=====

Bhagiraathu

P.S.- Bangalore

1. The

2. Kun

of V

Bhagirath Sahu son of Asharfi Sahu, resident of Village- Barki Tarauni,
P.S.- Bahera, District- Darbhanga.

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Iqbal Asif Niazi
For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

03/ 08-08-2016

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full

dignity and honour. Statement to that effect has been made in paragraph 16 of the petition, which reads as follows:-

“That the petitioner is still ready to keep his wife with full dignity and comfort but the complainant herself do not want to live with the petitioner.”

It is further submitted that similar was the stand of the petitioner before the learned court below when the complainant refused to accept the offer of the petitioner.

The petitioner and the complainant are present in the Court.

Counsel for the complainant submits that the complainant resumed the conjugal life for two months but she was brutally assaulted by the petitioner, but at present the complainant is again ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 16th of August, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months 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

Judicial Magistrate, Ist Class, Benipur, Darbhanga in connection with C.R. Case No. 63 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 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)

DKS/-

U		T	
---	--	---	--