

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44455 of 2016

Arising Out of PS.Case No. -1008 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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Bharat Ram, Son of Musafir Ram, Resident of village – Mansurpur, Police
Station – Durgawati, District – Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar
2. Fula Devi, Wife of Bharat Ram, Resident of village – Mansurpur, Police
Station – Durgawati, District – Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 06-10-2016

Heard learned counsels for the petitioner and the

State.

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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child. The petitioner is always ready to keep the complainant as wife with full dignity and

honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That the petitioner is always ready to keep the complainant with him with full dignity and honour as a wife. The petitioner has always tried to take back his wife Fula Devi but she is not ready to come with the petitioner.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the complainant declined to accept the offer of the petitioner which gets reflected from the impugned order. It is further submitted that the petitioner filed Matrimonial Suit No. 165 of 2015 for restitution of conjugal rights.

It appears from the impugned order that the learned Sessions Judge could not send the matter to mediation. In the circumstances, this Court is inclined to give one opportunity to the parties to get the issue resolved through mediation.

Considering the aforesaid facts and the present stand of the petitioner, 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,

Kaimur at Bhabua in connection with Complaint Case No. 1008 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 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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