

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9502 of 2016

Arising Out of PS.Case No. -1718 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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1. Birendra Bhagat @ Bhutto S/o Late Sri Prasad Bhagat Resident of
Village Purani Hat Rauta Tola, Ward No. 5, P.S. Rauta District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gayatri Devi W/o Birendra Bhagat @ Bhutto D/O Sri Hiralal Bhagat,
Resident of Netaji Chawk Jogbani, Ward No. 4, P.S. Jogbani, District
Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A, 504 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and it is the complainant who deserted the petitioner. The petitioner has filed Matrimonial Suit No. 193 of 2014 for the restitution of conjugal life though complainant has filed Maintenance Case No. 30M of 2015 claiming maintenance. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 16 of the petition which

reads as follows:-

“That the petitioner is yet ready to keep the complainant with full love and dignity”

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Araria in connection with Complaint Case No. 1718C of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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