

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17071 of 2016

Arising Out of PS.Case No. -881 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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CHANDAN KUMAR PASWAN, S/o Sri Mahendra Paswan, resident of
mohalla- Nawgram, Opposite Winners club, S.M.C. Ward No. 33,
P.O+P.S.- Bhaktinagar, District- Jalpaiguri (West Bengal)

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Saurabh, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Pandey(App)

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

ORAL ORDER

2 20-04-2016

Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case in
which processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A, 323, 504 of the Indian Penal Code.

The basic accusation is of torture.

it is submitted by learned counsel for the petitioner
that petitioner admits the marriage with the complainant, but
since the petitioner is suffering from Pemphigus disease which
lead to rashes coming out from the whole body of the petitioner,
as a result she does not want to reside with the petitioner.
Admittedly, the petitionr has filed Matrimonial Suit No. 98(3)
of 2015 on 27.03.2015 with a prayer for divorce, thereafter the

present case was filed. The petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and respect if she is ready to live.”

Complainant is ready to resume the conjugal life, when the petitioner is ready to withdraw the Matrimonial Suit filed before the learned court below.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 Sub-Divisional Judicial Magistrate, Samastipur in connection with Complaint Case No. 881 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 within one year 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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