

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25029 of 2016**

Arising Out of PS.Case No. -635 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-  
GOPALGANJ

- =====
1. Nityanand Prajapati son of Bridhi Chand @ Bridhichand Prajapati.
  2. Bridhichand @ Bridhichand Prajapati son of Late Lal Bihari Prajapati.
  3. Chiraiya Devi wife of Bridhi Chand @ Bridhichand Prajapati. All Residents of Village- Gadauna, Police Station- Barhaj, District- Devariya (U.P.).

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Renu Devi wife of Nityanand Prajapati, D/o Ram Pravesh Prajapati, At present R/o Village- Samogar, P.S.- Kateya, District- Gopalganj.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Shailendra Kr.-1(App)

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

**ORAL ORDER**

03/ 26-07-2016

Heard learned counsels for the petitioners and the State.

The petitioner no. 1 Nityanand Prajapati being the husband of the complainant and petitioner nos. 2 and 3 being the parents of petitioner no. 1 are apprehending their 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

petitioners that the petitioner no. 1 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 3 of the supplementary affidavit, which reads as follows:-

*“That it is humbly stated and submitted that the petitioner no. 1 namely Nityanand Prajapati is still ready to keep the complainant/opposite party no. 2 namely Renu Devi with full dignity and honour.”*

Considering the present stand of petitioner no. 1, let the above named petitioner no. 1 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, Gopalganj in connection with Complaint Case No. 635 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 no. 1 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of petitioner no. 1 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.

Considering the present stand of petitioner no. 1 and thrust of accusation against petitioner no. 1, let the above named petitioner nos. 2 and 3 be released on anticipatory bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 635 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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