

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2509 of 2016

Arising Out of PS.Case No. -124 Year- 2015 Thana -BASOPATTI District- MADHUBANI

Sudhir Yadav

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. J. N. Thakur, (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest in a case in registered for the offence 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 though there is accusation of strangulation against the petitioner but no injury is caused to the informant. Statement to this effect has been made in paragraph 11 of the petition which reads as follows:-

“11. That no injury have been caused on the body of the informant.”

The petitioner admits marriage with the informant. On instructions, it is submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition

which reads as follows:

“That petitioner is husband of the opposite party No.2 and he is ready to keep his wife with all respect.”

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ravi Shankar, learned JM, 1st class, Madhubani in connection with Basopatti P.S. Case No. 124 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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