

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14461 of 2016

Arising Out of PS.Case No. -1564 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Sanjay Mahto S/o Mohan Mahto r/o Koaha P.S.- Sugauli District East
Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinky Devi D/o Bhagawan Prasad R/o Saphi Jatwa Tola, P.S.-
Turkawaliya, Dist. E. Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Asha Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2016

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 Section 498A 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 has filed Matrimonial Suit No. 227 of 2015 for the restitution of conjugal life. 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 11 of the petition which reads as follows:-

“That the petitioner has filed

Matrimonial Case No. 227 of 2015 before learned

Principal Judge, Family Court, East Champaran for
restitution of conjugal life. The petitioner is still
ready to keep her with full 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 one year on furnishing bail bond of Rs. 10,000/-(ten
thousand) with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Motihari, East
Champaran in connection with Complaint Case No. 1564 of
2014, Trial No. 3939 of 2015.

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 one year (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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