

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6245 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -ASHOK PAPER MILL District-
DARBHANGA

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Ashok Kumar Son of Ram Sagar Sah Resident of Village-Sindhauli, P.S.
Ashok Paper Mill, Darbhanga.

.... Petitioner

Versus

1. The State of Bihar
2. Chand Devi D/o Ram Bahadur Sah Resident of village - Prasuram
Balipur, P.S. Shivaji Nagar, District Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ram Subhas Singh, Advocate.

For the Opposite Parties : Mr. Awadhesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 114, 498A, 306/511/34 of the Indian Penal Code.

The accusation is of torture and instigated the informant to commit suicide.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Similar was the stand before the learned court below. Statement to that effect has been made in paragraph

12 of the petition, which reads as follows:-

“That it appears from the order impugned that reconciliation process held in court below and she is refused to resume conjugal life with the petitioner itself and in such circumstances the allegation against the petitioner is false and concocted. However, the petitioner is ready to keep her as a legally wedded life.”

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 Additional Chief Judicial Magistrate, Biraul at Benipur, Darbhanga in connection with Ashok Paper Mill P.S. Case No. 103 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 informant on her appearance the petitioner will take the informant 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 informant gets reluctant to reconcile the

issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J.)

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