

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10548 of 2016

Arising Out of PS.Case No. -74 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Dharmraj Pd. Gupta @ Dharmaraj Prasad Gupta son of Ramdeo Sah
resident of village - Barana, Police Station - Kudra, District - Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Devi wife of Dharmaraj Prasad Gupta presently residing at village
- Rudrawar Kalan, Police Station - Sonhan, District - Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner admits his marriage with the complainant and birth of three children and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 12 of the petition, the relevant portion of which

reads as follows:

“That, the petitioner is ready to keep the complainant with him and he always tried for the sameHowever, petitioner undertakes to live with his wife in his parental house with full honour and dignity with every respect. ”

It is further submitted that similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner since she alleged that the petitioner has performed second marriage. Statement in paragraph 11 of the petition has been made that the petitioner has not performed second marriage.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of six 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 learned JM Ist Class, Bhabua in connection with Complaint Case No. 74 C of 2014 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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