

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20571 of 2016

Arising Out of PS.Case No. -106 Year- 2015 Thana -GOPALPUR District- PATNA

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Dharmvir Kumar @ Biru @ Viru Son of Rajendra Prasad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Devi Wife of Dhamvir Kumar @ Biru @ Viru, Daughter of
Late Indradeo Prasad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-05-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 379, 307, 498A/34 of the Indian Penal Code.

Basic accusation is of torture and making assault to the informant by iron rod.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and the accusation of torture has been levelled after 15 years of

marriage. The petitioner has filed Matrimonial Suit No. 102/2016 for restitution of conjugal rights and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 15 of the petition which reads as follows:-

"That the petitioner is still ready to keep the complainant as a wife with full honour and dignity."

It is further submitted that no injury was caused to the informant.

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Patna, in connection with Gopalpur P.S. Case No.106/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. 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

by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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