

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28532 of 2015

Arising Out of PS.Case No. -1204 Year- 2013 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Daya Shankar Das son of Shri Muni Lal Das resident of Village - Noorpur,
P.S. Nathnagar, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Devi wife of Sri Daya Shankar Das daughter of Shri Indra Dev Das
resident of village and Post Harinmar, P.S. Bariarpur, District - Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal
For the Opposite Party/s : Mr. B.N.Pandey(App)
Mr. Jyoti Ranjan Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 21-12-2016 Heard Sri Gautam Kumar Kejriwal, learned counsel for

the petitioner, learned Additional Public Prosecutor and Sri Jyoti
Ranjan Jha, learned counsel who has appeared on behalf of
complainant /opposite party no. 2.

The petitioner is the husband of the complainant
/opposite party no. 2 and Sri Kejriwal on instruction submits that
petitioner is ready to keep the complainant as wife with respect
and dignity.

Sri Jha learned counsel for the complainant also submits
that he has been instructed that the complainant is ready to reside
with the petitioner provided he keeps her with respect and dignity



and in future he undertakes not to administer torture.

In view of agreement arrived in between the husband and the wife (petitioner and opposite party no. 2) there is no reason to deny privilege of anticipatory bail.

Accordingly it is directed that in the event of arrest or surrender within a period of six weeks from today, let the petitioner Daya Shankar Das be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate (Sadar) Munger/ concerned court in connection with Complaint Case No. 1204 (C) of 2013 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure 1973.

It is made clear that before surrendering before the court below the petitioner will inform the complainant through her counsel the date of surrender so that , at the time of surrender the complainant through her counsel also appears and from court room itself, as given undertaking by learned counsel for the petitioner the petitioner will take back the complainant and keep her as wife with respect and dignity. It is further clarified that if at subsequent stage the complainant is administered any torture whether physical or mental , she would be entitled to approach this



court and in that event she will be required to file only a mentioning slip and this court may recall the privilege of anticipatory bail which has been granted by this court.

(Rakesh Kumar, J)

Praful/-

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