

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39027 of 2016

Arising Out of Complaint Case No. -1240 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE
District- GOPALGANJ

Uma Shankar Kushwaha

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the daughter of the complainant and he is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

"That at the very outset, without going into the merit and complexity of the case, the petitioner bets to state that, he is

the husband of Opposite Party No.3 and he is ready to keep the Opposite Party No.3 as his legally wedded wife, with full dignity and honour at her matrimonial house."

Similar was the stand of the petitioner before the learned Court below. The learned Sessions Judge, Gopalganj, has also recorded about the positive approach of the petitioner.

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 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 ACJM-XIII, Gopalganj, in connection with Complaint Case No.1240/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the daughter of the complainant for her appearance. On her appearance, the petitioner will take the daughter of the complainant 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 daughter of the

complainant fails to appear before the learned court below or (iii)
if the daughter of the complainant gets reluctant to reconcile the
issue.

Ashwini/-

U		T	
---	--	---	--

(Dinesh Kumar Singh, J)