

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30019 of 2016

Arising Out of PS.Case No. -271 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Naveen Kumar Son of Sri Subhash Chandra Singh Resident of
Bahadurpur, Ward No.27, P.S. Samastipur, Dist- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Priyanka Kumari W/o Naveen Kumar, D/o Jagdish Mahto R/o
Bahadurpur, Ward No.27, P.S. Samastipur, Dist- Samastipur. at present
Mehboob Khan Tola, P.S.- K.Hat (Sahayak), Dist- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal

For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2016 The petitioner being husband of the

complainant is apprehending his arrest in a complaint case
wherein processes were directed to be issued after cognizance
being taken for the offences punishable under Section 498A of
the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
complainant and is ready to keep the complainant with dignity
and honour. A statement to that effect has been made in para
13 of the petition which reads as follows:-

“That, petitioner is ready to

keep her wife with full dignity even at separate place from his native place i.e. Samastipur on condition that she and her father should not demand partition between the petitioner and his father”

It is further submitted that at present the petitioner and the complainant are residing together and the complainant is carrying pregnancy of 34 weeks. A statement to that effect has been made in 6 of the petition and the medical report to that effect has been brought on record as Annexure-2.

Paragraph 6 of the petition reads as follows:-

“That, petitioner happened to be husband of the complainant and both were living together as pregnancy report of complainant dated 14.04.2015 suggests that she was having 34 weeks of pregnancy which may be presumed that both were living together.”

Since a statement has been made in para 9 that process under Section 82 Cr.P.C has been issued against the petitioner, this Court is not inclined to consider the prayer for anticipatory bail. However, keeping in view of the present stand of the petitioner, it is a case for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 271 of 2013, pending in the Court of learned Judicial Magistrate, 1st Class, Purnea.

It is expected from the learned Court below to

dispose of the application preferably on the same day.

With the observations above, the application stands disposed off.

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(Dinesh Kumar Singh, J)