

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31828 of 2016

Arising Out of PS.Case No. -2153 Year- 2015 Thana -VAISHALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Kamlesh Kumar @ Kamlesh Singh Son of Bindeshwar Singh Resident of
Village Bilandpur, P.S. Mahua, District Vaishali Hajipur.

.... Petitioner

Versus

1. The State of Bihar

2. Kanti Kumari wife of Kamlesh Singh, D/o Chandra Shekhar Singh
Resident of Village Bilandpur, P.S. Mahua, District Vaishali Hajipur.
Presently living at Village Dawadarpru, P.S. Sarai District Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 29-07-2016

Heard learned counsel for the parties.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been 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 the learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The complainant was taken to Naihar by her parents in the absence of the petitioner. Since all the family members including the petitioner had been at Delhi for the treatment of his brother, this false case has been filed. The petitioner is ready to keep the

complainant with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition.

Considering the present stand of the petitioner, let the abovenamed petitioner be released on provisional anticipatory bail for six months, in the event of his arrest or surrender before the learned court below within a period of twelve 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 the Sub-divisional Judicial Magistrate, Hajipur in Complaint Case No. 2153/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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, (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Surendra/-

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