

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31926 of 2016**

Arising Out of PS.Case No. -2472 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT  
District- EASTCHAMPARAN(MOTIHARI)

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Purushottam Tiwary son of Late Anirudh Tiwary resident of Village-  
Bimalpur, P.S.- Kanti District- Muzaffarpur.

.... .... Petitioner

Versus

1. The State of Bihar  
2. Rekha Devi wife of Purushottam Tiwary, R/o Village- Bimalpur, P.S.-  
Kanti, District- Muzaffarpur, at present D/o Sri Awadhesh Dubey R/o  
Village- Parsauni Khem P.S.- Chakia, District- East Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya

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

ORAL ORDER

2      01-08-2016                      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, 406 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 and she gave birth to two children. Initially a complaint was lodged by the complainant with similar accusation in the year 2001 and the matter has been compromised between the parties. Thereafter the



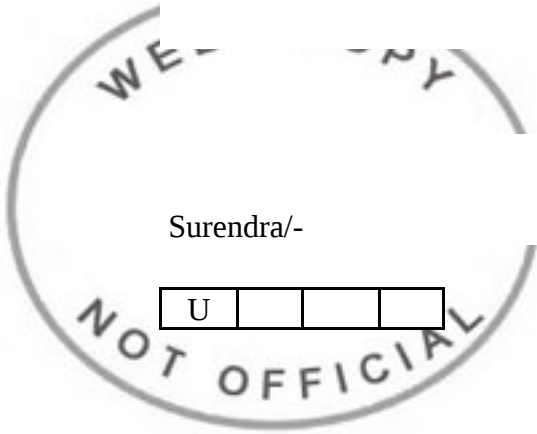
complainant filed Chakia P.S. Case No. 347/2012 for the offence under section 498A of the Indian Penal Code, in which the petitioner has been granted bail and with similar accusation the present complaint has been filed. The petitioner is still ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 12 of the petition.

Considering the present stand of the petitioner, let the abovenamed petitioner be released on provisional anticipatory bail for four 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 Judicial Magistrate, 1st Class, East Champaran at Motihari in Complaint Case No. C-2472/2012, Trial No. 390/2016, 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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