

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36416 of 2016

Arising Out of COMPLAINT CASE No. -268 Year- 2014 District- SITAMARHI

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Vimlesh Thakur Son of Late Ram Vikash Thakur resident of Village-
Sursand Uttari, Ward No.13, P.S.- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Veena Devi W/o Vimlesh Thakur, presently residing with her father
Rameshwar Pandey at Village- Barahi, Bhandari, Pokhar, PS- Parihar,
District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been 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 and birth of two children. The is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 13 of the petition which reads as follows:-

“That irrespective of all this, petitioner is still ready and inclined to lead his conjugal life with opposite

party no.2 with all love and affection.”

It is further submitted that similar was the stand of the petitioner before the learned court below when the learned court below directed the learned Magistrate to grant provisional bail for six months to the petitioner if he surrenders with his wife within a period of four weeks but the petitioner could not surrender since his wife did not accompany him.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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 SDJM, Pupri, Sitamarhi in connection with Complaint Case No. CI-268 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance when the petitioner will take the complainant to her matrimonial house 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 failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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