

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43778 of 2016

Arising Out of Complaint Case No.. -574 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Jibachh Pandit S/o Kushe Pandit

.... Petitioner/s

Versus

1. The State of Bihar.

2. Gunjan Devi, D/o Jagdish Pandit W/o Jibachh Pandit

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case filed for the offences punishable under Sections 498A, 323, 504 of the Indian Penal Code wherein process has been directed to be issued after cognizance being taken.

The accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"That the petitioner is husband and he has no grievance with the complainant. He is ready to keep the complainant as wife...."

It is further submitted that in paragraph no.5 of the petition a statement has been made that the complainant earlier filed Complaint Case No.260/2011 which was compromised and Complaint Case No.121/2014 which stood dismissed. Both the cases have been filed with similar accusation under section 498A of the Indian Penal Code.

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 SDJM, Biraul at Benipur in connection with Complaint Case No.574/2014, 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. 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 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.

The above exercise will be done by the learned Court below after verification from the records that Complaint Case No.260/2011 has been compromised and disposed of and Complaint Case No.121/2014 has already been dismissed. If either one is pending then this order deemed to have not been passed.

(Dinesh Kumar Singh, J)

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