

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12148 of 2016

Arising Out of PS.Case No. -85 Year- 2012 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

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1. Mukhlal Prajapati Son of Pragash Prajapati, Resident of Village Kaubal,
Police Station- Chhatarpur, District- Palamu (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. Rukmini Devi wife of Mukhlal Prajapati Resident of Village Kaubal,
Police Station- Chhatarpur, District- Palamu (Jharkhand) at present Devan
Prajapati, Resident of Village- Shivabigha, Ward No. 13, P.O. and P.S.
Nawinagar, District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Rita Verma(App)

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

ORAL ORDER

2 14-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 12 of the petition which reads as follows:

“ That as stated above the petitioner is ready to maintain his wife and lead conjugal married life with the complainant.”

Though the learned Sessions Judge has disposed of the anticipatory bail application in view of the summons issued but statement has been made in paragraph 6 of the petition that non bailable warrant of arrest has been issued which reads as follows:

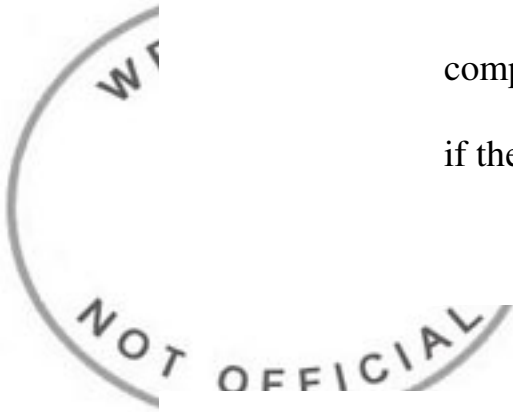
“.....as the cognizance has been taken and NBW has been issued against the petitioner as such he apprehends his arrest.”

Considering the aforesaid submissions, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Aurangabad in connection with Complaint Case No.85 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)

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