

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32458 of 2016

Arising Out of PS.Case No. -410 Year- 2015 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Rajeev Kumar Son of Sri Ram Prasad Ram resident of village- Kauri
Khutana P.S. Mirja Chauki District- Sahebganj.

.... Petitioner

Versus

1. The State of Bihar
2. Kavita Devi W/o Rajeev Kumar vill- Kauri Khutauna P.S. Murza Chauki
District Sahebganj (Jharkhand).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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

ORAL ORDER

2 02-08-2016

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 sections 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. It is further submitted that the petitioner filed Matrimonial Case No. 16/2015 but the same ended into compromise entered into between the parties. Thereafter the present complaint was filed. The

petitioner is still ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition, which reads as follows:

"That the petitioner is ready to keep to her wife with full honour and dignity."

It is further submitted that similar stand was taken by the petitioner before the learned court below but the offer of the petitioner was not accepted by the complainant, which gets reflected from the impugned order passed by the learned Sessions Judge, Nalanda.

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 Chief Judicial Magistrate, Nalanda at Bihar Sharif in Complaint Case No. 410C/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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