

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42285 of 2016

Arising Out of PS.Case No. -378 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Manager Ansari @ Manegar Ansari son of Late Serajul Ansari resident of
Village- Bari Patti, Tiwari Tola, P.S.- Bagaha, Distt- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jemun Nesha W/o Manager Ansari R/o Nehri Chakhani, P.S.- Bagaha,
Distt- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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

2 27-09-2016 Heard learned counsel for the petitioner and the
State.

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

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-10 of the petition which reads as follows:-

“That in the facts and

circumstances as stated above, it is quite clear that the petitioner has falsely been dragged into this case even then the petitioner is ready to keep the complainant with full honour and dignity, if she wants to live peacefully with the petitioner.”

Similar was the stand of the petitioner before the learned court below. Statement has been made in para-8 of the petition that petitioner has not performed second marriage. It is further submitted that it appears that in para-4 of the impugned order it is error on record that petitioner failed to appear rather it appears that complainant failed to appear.

Considering the present stand of the petitioner and in order to allow the learned court below to make an effort to get the issue mediated afresh, let the above named 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Complaint Case No. C-378 of 2013, 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 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 within six months by the learned court below

in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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