

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13807 of 2016

Arising Out of PS.Case No. -428 Year- 2014 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Ayush Kumar, S/o Ram Lakhan Sah, R/o Village- Bela, P.O.- Laxmipur,
P.S.- Triveniganj, District- Supaul Petitioner/s

Versus

1. The State of Bihar.

2. Shanti Devi, W/o Ayush Kumar & D/o Laxmi Prasad Sahee, R/o Village-
Dumara, P.S.- Nauhatta, District- Saharsa, A/p R/o Village- Saharsa Koshi
Colony Chowk, Mithila Convent Gali, Shivpuri, Kuchhary Dhala, Ward
No.11, P.S.+District- Saharsa. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar -3

For the Opposite Party/s : Mr. S.M.Rahman(App)

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

ORAL ORDER

2 29-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband 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.

The petitioner admits marriage with the complainant
and he has filed Matrimonial Case No. 1082/39/2014 for
restitution of conjugal rights. On instructions, it is submitted that
the petitioner is ready to keep the complainant as wife with full
dignity and honour. Statement to the aforesaid effect has been
made in paragraph no. 8 of the petition which reads as follows:

“8. That the petitioner is ready to keep her wife

with full dignity and honour as per his capacity. But, in fact, she did not want to live with her reason best known to her.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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, Saharsa in connection with Complaint Case No. 428C 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 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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