

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14752 of 2016

Arising Out of PS.Case No. -1434 Year- 2015 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Shiv Ranjan Kumar @ Shiv Ranjan Roy, Son Sri Ram Lal Raut @ Ram Lal Roy, Resident of Mohalla – Mithila Colony Nasriganj, P.S. Digha, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Puja Rai W/o Sri Shiv Ranjan Kumar @ Shiv Ranjan Roy, Resident of Mohalla – Mithila Colony, Nasriganj, P.S. Digha, District – Patna at present D/o Late Anil Rai, Resident of village Kachhua Bhism Tol P.S. Jale, District – Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad

For the Opposite Party/s : Mr. Ajay Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 04-04-2016

Heard learned counsels for the petitioner and the State.

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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner 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 that effect has been made in paragraph 15 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and respect according to his capacity.”

It is further submitted by learned counsel for the petitioner that similar was the stand of the petitioner before the learned court below but the complainant failed to appear in spite of service of notice issued by the learned court below which gets reflected from the impugned order.

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 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 Judicial Magistrate, Ist Class, Darbhanga in connection with C.R. No. 1434 of 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 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 one year 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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