

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31765 of 2016

Arising Out of PS.Case No. -732 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Jitendra Paswan Son of Kapil Paswan Resident of village- Narkatiya,
P.S.- Bodh Gaya, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Daulati Devi Wife of Jitendra Paswan D/o Late Bhagwan Das resident
of Narkatiya, P.S.- Bodh Gaya, District- Gaya at present r/o village-
Katari, P.S.- Chandauti, District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-07-2016 Learned counsel for the petitioner is permitted to make correction in the paragraph Nos. 9 and 11 of the petition in course of the day.

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were 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 on instruction that petitioner admits his marriage with the complainant. It is further submitted that though before learned Court below the petitioner refused to settle the dispute but now is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been

made in para 9 of the petition which reads as follows:-

“That the petitioner is the
unfortunate husband of the complainant and is ready
to keep his wife with full dignity and honour.”

Considering the aforesaid stand of the
petitioner, let the petitioner, above named, in the event of his
arrest or surrender before the Court below within a period of 12
weeks from today, be released on provisional anticipatory bail
for six months on furnishing bail bond of Rs. 10,000/- (ten
thousand) with two sureties of the like amount each to the
satisfaction of learned Sub-Divisional Judicial Magistrate, Gaya
in connection with Complaint Case No. 732 of 2014.

Let learned Court below issue notice to the
complainant and fix a date for her appearance. On appearance,
the petitioner will take the complainant to her matrimonial
house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the
petitioner will be confirmed by the learned Court below in three
eventualities (i) On substantial restoration of the matrimonial
harmony within a period of six month (ii) If the complainant
fails to appear before learned Court below (iii) If the
complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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