

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35438 of 2016

Arising Out of Complaint Case No. -149 Year- 2015 Thana -ROHTAS COMPLAINT CASE
District- SASARAM (ROHTAS)

Sanjit Paswan @ Sanjit Ram, son of Pran Paswan

.... Petitioner/s

Versus

1. State of Bihar
2. Savita Devi, wife of Sanjit Paswan

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Mishra, Advocate

For the Opposite Party/s : Mr. Sri Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A, 323 and 504/34 /34 of
the Indian Penal Code.

Basic accusation is of torture for non-fulfillment of
demand of motorcycle.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and actually
he is a poor person, hence, accusation of torture for demand of
motorcycle after 16 years of marriage appears to be
unreasonable. The petitioner is ready to keep the complainant as

wife with full dignity and honour. A statement to that effect has been made in paragraph no.10 of the petition which reads as follows:-

"That the petitioner is ready to keep his wife with honour and dignity at his village."

It is further submitted that similar was the stand of the petitioner before the learned Court below but in spite of issuance of notice the complainant choose not to appear, which gets reflects 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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bikramganj, Rohtas, in connection with Complaint Case No.149/2015, subject to the conditions as laid down under Section 438(2) 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 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)

Ashwini/-

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