

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7624 of 2016**

Arising Out of PS.Case No. -283 Year- 2014 Thana -AURANGABAD COMPLAINT CASE  
District- AURANGABAD

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1. Dharmendra Banjara Son of Surendra Banjara Resident of Village -  
Kurtha Balapar, P.S. - Kurtha, District - Arwal.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Rinki Devi, Daughter of Late Teni Tikulhara Village - Balapar,  
Muslimabad, P.S. - Haspura, District - Aurangabad.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Paras Nath, Advocate  
For the Opposite Party/s : Mr. S.M. Rahman (App)

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

2      16-02-2016      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 Sections 323, 498A of the Indian Penal Code.

The basis accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits the 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- 9 of the petition which reads as follows:-

“That the petitioner is always

ready to keep the complainant with full honour and dignity but she is not ready to live with the petitioner.”

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 Sri Sanjay Priya, J.M., Ist Class, Aurangabad in connection with Complaint Case No. 283 of 2014, 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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