

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58267 of 2015

Arising Out of PS.Case No. -99 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Dilip Kumar Rai

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 379, 385 and 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that earlier also Tajpur P.S. Case No. 263 of 2013 was lodged with similar accusation which ended into compromise. The petitioner has also filed Matrimonial Case No. 341 of 2013 and is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That it is stated that the petitioner is husband and he is always ready to keep his wife and children with full dignity and honour..”

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 CJM, Samastipur in connection with Muffasil P.S. Case No. 99 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant 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 informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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