

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21096 of 2016

Arising Out of PS.Case No. -1520 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Deepak Baitha

.... Petitioner/s

Versus

1. State of Bihar,
2. Anshu Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted 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 the aforesaid effect has been made in paragraph no. 13 of the petition which reads as follows:

“ That the petitioner is ready to keep complainant with full honour and dignity”

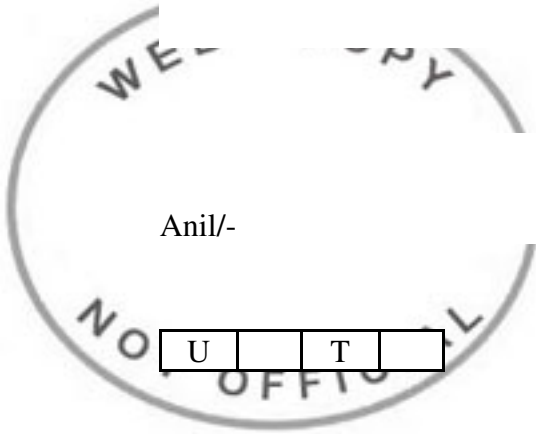
It is further submitted that similar was the stand of the petitioner before the learned court below but in spite of service of notice the complainant failed to appear before the learned court below which gets reflected from the impugned order. The petitioner has also filed Matrimonial Case No. 191 of 2014 for restitution of conjugal rights on 16.10.2014.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Saran at Chapra in connection with Complaint Case No. 1520 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii)

if the complainant deliberately gets reluctant to reconcile the issue.



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(Dinesh Kumar Singh, J)