

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36499 of 2016

Arising Out of Complaint Case No. -869 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

=====

Amresh Kumar, son of Ram Baran Mahto

.... Petitioner/s

Versus

1. State of Bihar
2. Manisha Kumari, wife of Amresh Kumar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2016

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 and 406 of the Indian Penal Code.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant on 21.01.2015 but the present complaint has been filed on 14.05.2015 within five months of the marriage which reflects the malicious nature of accusation. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.11 of the

petition which reads as follows:-

"That the petitioner is always ready to keep the complainant with deep love and care and make relationship as husband and wife."

It is further submitted that similar was the stand of the petitioner before the learned Court below.

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 Judicial Magistrate, 1st Class, Samastipur, in connection with Complaint Case No.869/2015, 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.

Ashwini/-

U		T	
---	--	---	--

(Dinesh Kumar Singh, J)