

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55532 of 2015

Arising Out of PS.Case No. -1037 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

Kamal Pal Son of late Rangil Pal resident of Village- Suhawal, P.s Chainpur, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalita Devi Wife of Kamal Pal, Daughter of Baban Pal, resident of Village: Suhawal, P.s Chainpur, District kaimur at Bhabua.at present resident in Village: Riwa , p.s Kargahar, Po: Aktiyarpur, District Rohtas.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. S.Dayal(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 16-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his 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 379 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and complainant are present in the Court.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the complainant and birth of the children. The children are residing with the petitioner. However, the complainant herself deserted the petitioner. The petitioner has filed Matrimonial Suit for restitution of conjugal rights, though, the suit number has not been mentioned in the petition, but the petitioner is still ready to keep the complainant and children with dignity and honour, statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner undertakes to keep the O.P. No. 2 as well as her children with all love and affection with all human dignity.”

Counsel for the complainant submits that the complainant accepts the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner as the petitioner did not allow the children to meet the complainant. However, it is submitted by learned counsel for the petitioner that the petitioner will bring all the three children in the court when he will take the complainant and children to keep them with dignity and honour.

Both sides agree to appear before the learned court below on 31st of May, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Sub-Judicial Magistrate, Sasaram, District - Rohtas in connection with Complaint Case No. 1037 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed 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)

DKS/-

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