

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.367 of 2016

Arising Out of PS.Case No. -588 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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1. Lalan Das @ Lalo Das Son of Late Anandi Das
 2. Sukani Devi Wife of Late Anandi Das Both are residents of Village - Andauli, P.S. Kishanpur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sita Devi Wife of Lalan Das @ Lalo Das D/o Fuday Das Resident of Village - Andauli, P.S. Kishanpur, District - Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv
For the Opposite Party/s : Mr. H.A.Khan(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 no. 1 being the husband of the complainant and petitioner no. 2 being the mother-in-law of the complainant are apprehending their arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 406, and 498A of the Indian Penal Code.

The accusation is of torture.

Learned counsel for the petitioners submit that petitioner no. 1 admits his marriage with the complainant and is ready to keep the complainant as wife alongwith children with full

dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

"That the petitioner no. 1 is ready to keep his wife (complainant) and children with full dignity, honour and love."

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 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 Judicial Magistrate, 1st Class, Supaul in connection with Complaint Case No. 588C 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 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.

The provisional bail of the petitioner will not be confirmed by the learned Court below if substantial proof comes that the petitioner has performed second marriage.

Considering the stand of petitioner no. 1, let the petitioner no. 2 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the Judicial Magistrate, 1st Class, Supaul in connection with Complaint Case No. 588C of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ranjan/-

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(Dinesh Kumar Singh, J)