

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4675 of 2016

Arising Out of PS.Case No. -3033 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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Jitendra Ram

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2016

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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of two children and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition, relevant portion of the same reads as follows:-

“That admittedly the complainant is legally wedded wife of petitioner and he has fully aware his legal and social duty, responsibility and obligation to maintain and take proper care of complainant as well as still ready and always tried his best to keep

the complainant and resume happy conjugal life.....”

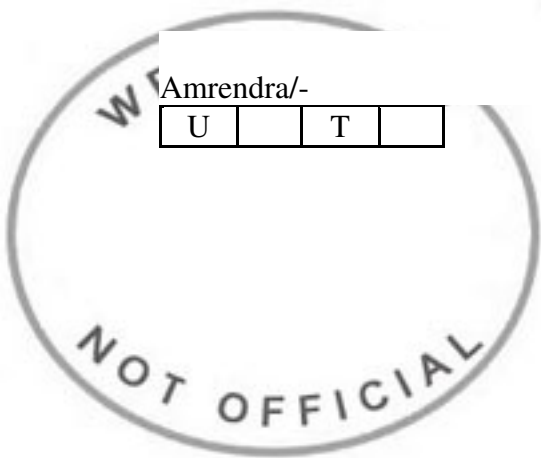
It is further submitted that similar stand was taken by the petitioner before the learned court below but during argument it appears that contrary submissions were made.

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 JM, 1st Class, Araria in connection with Complaint Case No. 3033C 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.



(Dinesh Kumar Singh, J)