

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33394 of 2016

Arising Out of PS.Case No. -1072 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Upendra Das S/o Arun Das, Resident of Village- Braipura, P.S.-
Sarairanjan, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Kabutri Devi W/o Upendra Das, Resident of Village- Braipura, P.S.-
Sarairanjan, District- Samastipur, at present D/o Mohan Das, Resident of
Village- Kisanpur Usuf, P.S.- Sarairanjan, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-08-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 504 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner



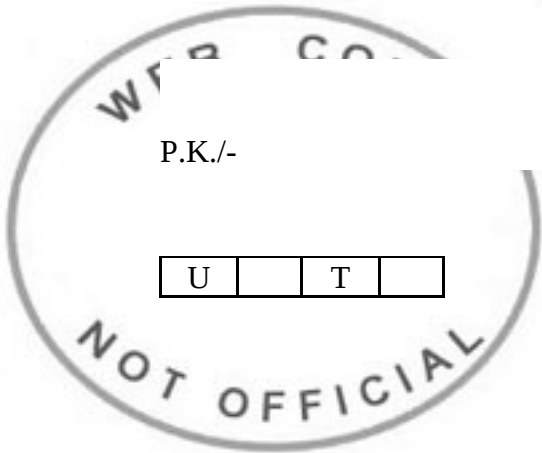
that petitioner admits his marriage with the complainant. Since the complainant was forced to marry with the petitioner hence she never wanted to reside with the petitioner, as a result she decided to part ways. Though, it was submitted by the petitioner before the learned court below that he is not ready to keep the complainant, but now he is ready to keep the complainant as wife with full dignity and honour even today.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 Shri Sakansh Chandra, J.M., Ist Class, Samastipur in connection with Complaint Case No. 1072 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within six months 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)