

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35851 of 2016

Arising Out of PS.Case No. -1230 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Kumar Shivji @ Shivji Sah s/o Sona Lal Sah, R/o vill + P.O. - Afaur, P.S.-
Khaira, Distt- Saran.

.... Petitioner

Versus

1. The State of Bihar.
2. Shobha Devi, W/o Shivji Sah @ Kumar Shivji daughter of Singhasan Sah
R/o Vill- Hathiyakan Sarai, P.O- Sarai, P.S.- Shahpur, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek

For the Opposite Party/s : Smt. Rita Verma

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 22-08-2016

Heard learned counsel for the parties.

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 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:

"That the petitioner is ready to settle the dispute with the

complainant and if she will ready to live with the petitioner peacefully then he is ready to keep her with full dignity."

It is further submitted that before filing of the present complaint case the petitioner filed Matrimonial Case No. 226/2013 with a prayer for divorce before the court of Principal Judge, Family Court, Patna but ready to withdraw the same though no statement to that effect has been made in the petition.

Considering the present stand of the petitioner and the matrimonial case filed at the earlier point of time, let the abovenamed 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Danapur in Complaint Case No. 1230(C)/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 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 the 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)

Surendra/-

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