

Arising Out of PS.Case No. -914 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-  
SAMASTIPUR

.... Petitioner/s

1. The State of Bihar. null null

.... .... Opposite Party/s

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

2 22-07-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were 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.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner is ready

to keep the complainant(wife) with full regard and dignity.”



It is further submitted that similar was the stand of the petitioner before learned Court below and the matter was sent to the Mediation also by the learned Court below but the issue could not be reconciled since the complainant refused to accept the offer of the petitioner as she was apprehensive danger of her life at the hands of the petitioner. The petitioner has also filed Matrimonial Suit No. 331 of 2014 for the restitution of conjugal life.

Considering the present stand of the petitioner, this Court is of the view that one more opportunity should be given to the complainant for getting the issue reconciled. In the circumstance, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Samastipur in connection with Complaint Case No. 914 of 2015, Trial No. 1880 of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three

eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

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