

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22598 of 2017

Arising Out of PS.Case No. -489 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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Brijesh Singh, son of Late Parmanand Singh, Resident of Village-
Nuruddinpur, P.O.- Barhani, P.S.- Siwan (Muffasil), District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nirmal Devi, W/o Brijesh Singh, D/o Rajdhari Singh, Resident of
Village- Balbhadra Patti, P.S.- Uchchkagaon, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Opposite Party/s : Mr. Sri Bharat Bhushan

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

03/ 19-08-2017

Heard learned counsels for the petitioner,
informant-opposite party no. 2 and the State.

The petitioner, being the husband of the
informant, is apprehending his arrest in a case registered for the
offences punishable under Sections 323, 406, 498A and 506 of the
Indian Penal Code.

The prosecution case is that the marriage of the
petitioner and the informant was performed 20.05.2003 but since
the informant did not gave birth to a child hence, torture was
inflicted. On 30.06.2006, all the belongings were snatched and she
was driven out from the matrimonial house.

Learned counsel for the petitioner submits that



the petitioner admits his marriage with the informant and the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That it is further relevant to state here that the petitioner is ready to keep his wife (the complainant/informant) with all dignity and care if she responds positively to the company of the petitioner.”

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

It is further submitted that both sides agree to appear before the learned Court below on 11th of September, 2017, when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, Siwan in connection with Siwan (Muffasil) P.S. Case No. 489 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony or (ii) if the informant gets reluctant to reconcile the issue or (iii) if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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