

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38591 of 2016

Arising Out of PS.Case No. -46 Year- 2014 Thana -MAHILA P.S BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Uttam Tiwari Son of Omprakash Tiwari, resident of Village- Rajwatiya,
P.S.- Bagaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Riti Devi Wife of Uttam Tiwari, and Daughter of Rabindra Shukla,
resident of Village- Narainapur, Ward No. 5, P.S.- Bagaha (Parsauni),
District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 25-04-2017 Heard learned counsels for the petitioner, informant and

the State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 323, 342, 504, 506 and 498A of the
Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that
the petitioner admits his marriage with the informant having two
children. The petitioner is ready to keep the informant as wife with
full dignity and honour, statement to that effect has been made in



para 10 of the petition which reads as follows:-

“That the petitioner has no any grievance against his wife, the O.P. No.2, and he undertakes even before the Hon’ble Court to keep her with full dignity and honour, respect and comfort, safety and security.”

It is further submitted that the petitioner also filed Matrimonial Suit No. 43 of 2015 with a prayer for restitution of conjugal life.

Though, vide order dated 09.03.2017 the matter was referred to the Mediation and Conciliation Centre of State Legal Services Authorities, but the report of the mediator dated 12.04.2017, kept at flag-‘M’ reflects that the issue could not be resolved through the process of mediation.

Counsel for the informant submits that though the informant is ready to accept the offer of the petitioner but she is apprehensive due to past conduct of the petitioner.

Considering the present stand of the parties in order to save the complainant from destitution and vagrancy with lurking hope that the issue may be reconciled in future, 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 SDJM, Bagaha, West Champaran in connection with Magaha Mahila P.S. Case No. 46 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides agree to appear before the learned court below on 1st of May, 2017 when the petitioner will take the complainant to her matrimonial house 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 or (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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