

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41126 of 2016

Arising Out of PS.Case No. -64 Year- 2015 Thana -COMPLAINT CASE District- BANKA

=====

Kangresh Yadav @ Kangrosh Yadav @ Kongress Yadav Son of Naresh
Yadav Resident of Village- Dhordhari, PS Katoria, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi Wife of Kangresh yadav, Daughter of Thakur Mahto
Resident of Village- Amjhar, PS Fullidumar, District Banka.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

=====

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

05/ 21-02-2017

Heard learned counsels for the petitioner and the
State. None appears for the complainant-opposite party no.2.

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 379, 498A and
323 of the Indian Penal Code.

The basic accusation is of torture and making
assault.

On submission of learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant and birth of two children and further submission that



the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 17 of the petition, which reads as follows:-

“That the petitioner is always ready to keep and live with the complainant with her full respect and dignity along with his two daughters.”

The notices were issued to the complainant-opposite party no.2 vide order dated 27.09.2016. It is further submitted that similar was the stand of the petitioner before the learned court below, but the complainant refused to accept the offer of the petitioner.

The office note dated 19.01.2017 reflects that ordinary process of notice issued to opposite party no. 2 has returned with report of process server that he could not meet the opposite party no. 2 as she had gone out and her father refused to receive the notice. In the circumstances, the notices issued to opposite party no. 2 treated to be deemed valid service. Thereafter, on 13.02.2017 as none appeared on behalf of opposite party no.2 the matter was adjourned for today. The office note dated 20.02.2017 reflects that notices were validly served on opposite party no. 2, but today none is appearing on behalf of opposite party no. 2.

Considering the present stand of the petitioner



that he is ready to keep the complainant and the matter is being adjourned since 27.09.2016 but in spite of valid service of notice the complainant chose not to appear, let the above named petitioner be released on anticipatory bail, 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 Judicial Magistrate, Ist Class, Banka in connection with Complaint Case No. 64 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail to the petitioner will not preclude the complainant to resume conjugal life. If she files any application expressing her willingness to resume the conjugal life before the learned court below then the learned court below issue to the petitioner when the petitioner will be obliged to comply the undertaking given before this Court as quoted above.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

