

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47391 of 2016

Arising Out of Complaint Case No. -468 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE
District- BHAGALPUR

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Surendra Poddar, son of late Dashrath Poddar, Resident of Village-
Kashpur, P.S.- Amarpur, District - Banka

.... Petitioner/s

Versus

1. State of Bihar
2. Minu Devi, wife of Surendra Poddar, D/o Narayan Poddar, Resident of
Village –Ganaul, Police Station-Bihpur, District-Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the State : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 09-05-2017 Heard learned counsel for the petitioner and learned

APP for the State. However, none is appearing on behalf of the

complainant opposite party no.2.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A, 406 and 323 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
birth of a child. The petitioner is still ready to keep the
complainant 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 is ready to keep the complainant/O.P. No.2 along with her son with full dignity and honour.....”

It is further submitted that similar was the stand of the petitioner before the learned court below when the matter was referred to the mediation centre also but the complainant refused to accept the offer of the petitioner of reconciling the conjugal life, which also gets reflected from the impugned order. Further case of the petitioner is that since the father-in-law of the petitioner has no male issue, hence he wants to keep the son of the petitioner at his own place and he is not allowing the complainant to go to the matrimonial house.

This Court vide order dated 28.10.2016 issued notice upon the complainant opposite party no.2. The office note dated 08.02.2017 reflects that ordinary process of notice has been received by the learned counsel for the opposite party no.2 appearing before the learned Court below. This Court vide order dated 09.03.2017 directed for fresh service of notice upon the complainant opposite party no.2. The office note dated 08.05.2017 reflects that notices were validly served upon the



complainant opposite party no.2 but in spite of that none is appearing on behalf of complainant opposite party no.2

Considering the nature of accusation and the stand of the petitioner to the effect that he is ready to keep the complainant opposite party no.2 as wife with full dignity and honour, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Naugachia (Bhagalpur) in connection with Complaint Case No.468/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order will not preclude the complainant to resume the conjugal life and if she so wishes and files an application before the learned court below then learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this court.

(Dinesh Kumar Singh, J)

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