

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23644 of 2017

Arising Out of PS.Case No. -4084 Year- 2015 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Shiv Kumar Ram, Son of Late Nunu Lal Ram, Resident of Village –
Dumrail Ward No. 33, P.S. and District – Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gulabiya Devi, Wife of Shiv Kumar Ram, Daughter of Lodhay Ram,
Resident of Ram Tola, Dumrail Ward No. 33, P.S. and District –
Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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

ORAL ORDER

03/ 19-08-2017

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

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 498A and 379 of
the Indian Penal Code.

The accusation is of torturing the complainant,
after 34 years of the marriage. It is also alleged that on 08.12.2015
the accused persons drove out the complainant from the
matrimonial house.

It is submitted by learned counsel for the



petitioner that the marriage between the petitioner and the complainant and birth of four children are admitted. The petitioner is also having grand children. The complainant is still residing in the house of the petitioner. However, counsel for the complainant denies this fact.

It is further submitted by learned counsel for the petitioner 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 12 of the petition, which reads as follows:-

“That the petitioner is ready to keep the wife well. After 34 years, the O.P. filed the present case with an oblique intention.”

Counsel for the complainant submits that the complainant is not ready to resume the conjugal life, but she wants to reside in the house of the petitioner.

In the circumstances, the petitioner undertakes to allow the complainant to reside in the house and ready to file an affidavit to that effect before the learned Court below.

Considering the nature of accusation after 34 years of marriage and the stand of the petitioner vis-à-vis the complainant, 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 Sub-divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 4084 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be provisionally accepted till the learned Court below gets report from the local police station that the complainant is residing in the house of the petitioner.

However, the grant of bail will not give any right to the petitioner not to allow the complainant to reside in the matrimonial house.

(Dinesh Kumar Singh, J)

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