

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62085 of 2018

Arising Out of PS. Case No.-1779 Year-2016 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Kailash Roy, Son of Late Nibu Roy,
 2. Tabo Devi @ Sawo Devi, Wife of Kailash Roy, Daughter of Rameshwar Roy, Both resident of Village- Rani Kola, P.O.- Parneeli, Police Station- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Neera Devi, Wife of Kailash Roy, Daughter of Madanlal Roy, Resident of Village- Rani Kola, P.O.- Parnaali, Police Station- Kadwa, District- Katihar at present resident of Village- Kamreli, P.O.- Parneli, Police Station- Kadwa, District- Katihar, Mobile No. 8757391253.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad
For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-10-2018

Heard learned counsels for the parties.

The petitioner no. 1, being the husband of the complainant and petitioner no. 2, being the second wife of petitioner no. 1, are apprehending their arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC.

The accusation is of torture which has been levelled after twenty three years of marriage of the complainant-O.P. No.2 and the petitioner no.1.

Learned counsel for the petitioners submits that Petitioner No. 1 admits his marriage with the complainant and is



ready to keep her 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 the petitioner is ready to keep his wife with full dignity, love, care and affection.”

Considering the present stand of the petitioner no. 1 and the fact that impugned order reflects that the complainant failed to appear before the learned Court below for reconcilliation, let the petitioners above named be released on provisional anticipatory bail for four months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Katihar in connection with Complaint Case No. 1779 of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The learned Court below is expected to issue notice to O.P. No. 2 and on her appearance, the Petitioner No. 1 will take her to the matrimonial house to keep her as wife with full dignity and honour.

The provisional bail of the petitioners will be confirmed by the learned Court below in three eventualities - (i) if the matrimonial harmony is substantially restored, or (ii) if the



complainant fails to appear before the learned court below or
(iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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