

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48171 of 2019

Arising Out of PS. Case No.-2288 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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SANJAY PATHAK S/o Late Rajendra Pathak Resident of Village- Lagunia
Raghukanth, P.S.- Samastipur (Muffasil), District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Devi W/o Sanjay Pathak Resident of Village- Lagunia, Raghukanth,
P.S.- Samastipur (Muffasil), District- Samastipur, at present Kesho
Narayanpur Nayar, P.S.- Halai (O.P.), District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2019 Heard learned counsels for the petitioner and the

State.

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 323, 498A and 504/34 of the IPC.

The prosecution case is to the effect that the marriage of the complainant was performed with the petitioner on 25.06.2005, but subsequent to the marriage, the complainant was inflicted torture by the petitioner and other in-law family members.



Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 8 of the petition, which reads as follows:-

“That the petitioner is husband is ready to keep the complainant as wife with full dignity and honour.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/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 like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur in connection with C.R. No. 2288 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Let the learned Court below issue notice to the complainant and on her appearance, the petitioner will take the complainant 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 fails to appear before the learned Court below, or



(iii) if the complainant deliberately gets reluctant to reconcile
the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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