

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54633 of 2018

Arising Out of PS. Case No.-3848 Year-2012 Thana- SARAN COMPLAINT CASE District-
Saran

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Jaswant Singh @ Yaswant Singh @ Munna Singh, S/o Late Ram Bihari
Singh, R/o Vill.- Harpur Kotwa, P.S.- Hasanpura, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sharda Devi, W/o Jaswant Singh @ Yaswant Singh @ Munna Singh, R/o
Vill.- Tajpur Fulwariya, P.S.- Manjhi, District- Saran, Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-01-2019 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 Section 498A of the IPC.

The prosecution case as per the complaint petition filed by complainant Sharda Devi before learned CJM, Saran at Chapra is to the effect that the marriage of the petitioner was performed with the complainant on 08.06.2009, subsequently they were blessed with two female children. Thereafter, the petitioner developed some illicit relationship with one Sinku Devi and ultimately complainant was driven out from her matrimonial



house on 24.11.2012, after keeping all her belongings.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two female children and he is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no.10 of the petition, which reads as follows:-

“10. That petitioner is ready to live with the complainant and give her all respect which she commands.”

It is further submitted by learned counsel for the petitioner denies the factum of illicit relationship with Sinku Devi.

It appears that vide order dated 25.10.2018, notices were issued to the complainant and the office note dated 20.12.2018 reflects that the complainant received registered post of notice, but none is appearing on behalf of the O.P. No.2.

Learned APP submits that there is specific accusation against the petitioner.

Considering the fact that after receiving the notice, the complainant chose not to appear and the present stand of the petitioner to the effect that he is ready to keep the complainant as wife with dignity and honour, let the above named petitioner be released on anticipatory bail 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) each with two sureties of like amount each to the satisfaction of learned **SDJM, Saran at Chapra** in connection with **Complaint Case No. 3848 of 2012** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

If the complainant files any such application to resume the conjugal life before the learned Court below then the 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)

Deepak/Rahul/-

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