

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45367 of 2014

Arising Out of PS.Case No. -938 Year- 2008 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Baijnath Yadav Son of Shivbalk Yadav Resident of Village - Chaoki
Murgia, P.S. - Tarwara, Distt - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kanshi Devi, W/o Baijnath Yadav, R/o village – Chaoki Murgia, P.S.
Tarwara, District – Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

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

03/ 31-03-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
processes have been directed to be issued after cognizance being
taken for the offences punishable under Sections 323 and 498A of
the Indian Penal Code.

The basic accusation is of torture.

Notices were issued to the complainant-opposite
party no. 2 vide order dated 23.12.2014 on submission of learned
counsel for the petitioner that the petitioner is ready to settle the

dispute. Statement to that effect has been made in para 13 of the petition. The petitioner is present in the Court and he is ready to keep the complainant and children with dignity and honour. The marriage between the petitioner and the complainant and birth of two children are admitted facts.

The counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 20th of April, 2015 when the petitioner will take the complainant and children to keep them with dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year 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 Chief Judicial Magistrate, Gopalganj in connection with Complaint Case No. 938 of 2008, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial

harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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