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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8282 of 2015

Arising Out of PS.Case No. -2796 Year- 2009 Thana -SARAN COMPLAINT CASE District-SARAN

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1. Shivnath Sah S/o Bihari Sah, Resident of Village - Laxmipur Kakariya, P.s. - Dighwara, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Kumari Devi W/o Shivnath Sah, D/o Chhotelal Sah, Resident of Village - karamchak Gangajal, P.s. - Sonepur, District - Saran at Chapra.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 02-03-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Complaint Case No. 2796 of 2009 registered for the offences punishable under Sections 498A and 379 of the Indian Penal Code.

Petitioner happens to be the husband of the complainant and it appears that complaint case was filed in the year 2009 and thereafter, petitioner preferred anticipatory bail petition before the learned Sessions Judge, Saran and his prayer for anticipatory bail was rejected by the learned Sessions Judge,

Saran on 04.04.2011 but after rejection of his anticipatory bail the petitioner approached this Court in the year 2015 i.e. after four years of the order passed by the learned Sessions Judge. Furthermore, the impugned order reveals that the learned Sessions Judge had taken an attempt to patch up the dispute of the parties but could not succeed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, the prayer for anticipatory bail of the petitioner filed in connection with Complaint Case No. 2796 of 2009, pending in the court of Sub-Divisional Judicial Magistrate, Saran at Chapra stands rejected.

However, if the petitioner surrenders and seek regular bail before the court below along with a compromise petition, the regular bail petition of the petitioner shall be considered by the court below on its own merit without being prejudiced by this rejection order, particularly, keeping in mind that the present case has been instituted on account of matrimonial dispute of husband and wife and both are ready to settle their dispute with happy note of compromise.

(Hemant Kumar Srivastava, J)

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