

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12103 of 2015

Arising Out of PS.Case No. -26 Year- 2014 Thana -MAHILA P.S. District- SARAN

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1. Pramod Sah Son of Lahwar Sah resident of village- Garhiya Chhitrauli,
Police Station- Khaira, District- Sarna(Chapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi Sah daughter of Raghunath prasad resident of village-
Kadipur, Police Station- Nagra(Khaira), District- Saran (Chapra.)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s Mr. B.Ram (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 05.05.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Saran
Mahila P. S. case no. 26/2014 registered under sections 341, 323,
498A/34 of the Indian Penal Code.

Petitioner happens to be husband of the informant and his
marriage was solemnized with informant ten years ago. After
marriage, informant gave birth to two children but subsequently,
petitioner is said to have tortured the informant due to non-fulfillment
of dowry demand.

After institution of the present case, petitioner approached
learned Sessions Judge, Saran at Chapra who disposed of anticipatory
bail of the petitioner by the impugned order dated 3.2.2015 directing
the petitioner to move before court below and learned court below was

directed by the learned Sessions Judge to pass order in view of direction given by the Apex Court of this country in the case of Arnesh Kumar versus State of Bihar & another reported in 2014 (3) PLJR 314 (SC).

Since learned Sessions Judge has already directed the petitioner to move before learned court below and learned court below has already been directed to pass order in the light of decision of Arnesh Kumar (supra), I do not think it proper to disturb the direction of the learned Sessions Judge.

However, it is made clear that if the petitioner surrenders within four weeks from today, the court below shall release the petitioner on provisional bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to his satisfaction in Saran Mahila P. S. case no. 26/2014 subject to condition as laid down under section 438(2) of the Cr.P.C and thereafter, proceed in the light of observations given in the above stated decision of Arnesh Kumar (supra) and shall pass appropriate order.

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(Hemant Kumar Srivastava,J)

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