

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36355 of 2015

Arising Out of PS.Case No. -2895 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Santosh Sah son of Ram Deo Sah, Resident of Village- Ahirwaliya, P.S.-
Chautarwa, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Nibha Devi, Wife of Santosh Sah, D/o Late Lalji Sah, R/o Village-
Ahirwaliya, P.S.- Chautarwa, District- West Champaran. At presently
residing at Village- Mathiya, Police Station- Lauriya, District- West
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. S.Dayal(App)

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

2 18-08-2015 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint
case in which processes have been directed to be issued
after cognizance being taken for the offences punishable
under Sections 323, 341, 498A of the Indian Penal Code
and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of

the dowry demand.

On instruction it is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 8 of the petition which reads as follows:-

“That the petitioner is husband of the complainant/O.P. No. 2 and is ready to keep her with full respect and dignity.”

Considering the present stand of the petitioner, 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 Sub-Divisional Judicial Magistrate, West Champaran in connection with Complaint Case No. 2895 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 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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