

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50403 of 2015**

Arising Out of PS.Case No. -496 Year- 2014 Thana -SARAN COMPLAINT CASE District-  
SARAN

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Sanjay Sah, S/o Dhrudeo Sah, resident of village- Kanhauli, P.O.-  
Basantpur, P.S.- Basantpur, District- Siwan

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Baby Kumari, W/o Sanjay Sah, D/o Rama Sah, resident of village-  
Kanhauli, P.O.- Basantpur, P.S.- Basantpur, District- Siwan at present  
resided at Harpur, Bagahi, P.S.- Taraiya, District- Saran

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

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

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

2      02-11-2015      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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

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- 11 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour, but she is always refusing to live with the petitioner.”

Similar was the stand of the petitioner before the learned court below, but in spite of valid service of notice the complainant failed to appear.

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, Chapra in connection with Complaint Case No. 496 of 2014, 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)**