

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37104 of 2015

Complaint Case No. -141 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

Uma Shankar Sah @ Uma Shankar Sahu

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-12-2015

The matter was listed under the heading "For Orders (On Office Notes) due to non-service of notice upon opposite party no.2. Since petitioner and opposite party no.2 have entered their appearance and are present before this Court, the matter is being taken for "Admission".

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 379/34 of the Indian Penal Code.

The basic accusation is of torture.

The marriage between the petitioner and the complainant 25 years ago and birth of two children are admitted

fact.

On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 14 of the petition which reads as follows:-

"14. That the petitioner is a man of means and is ready to keep the complainant with full dignity and honour..."

On instruction, learned counsel for the complainant submits that the complainant accepts the offer of the petitioner but she is apprehensive of the past conduction of the petitioner.

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Rosera, Samastipur in connection with Complaint Case No.141/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 15th January, 2016 when 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 by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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