

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40158 of 2015

Arising Out of Complaint Case No.. -1038 Year- 2014 Thana -MADHUBANI COMPLAINT CASE
District- MADHUBANI

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Ajay Sah, son of Ram Ashis Sah

.... Petitioner/s

Versus

1. State of Bihar
2. Geeta Devi, daughter of Muneshwar Sah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Binod Kumar 3 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case filed for the offences punishable under Sections 323, 379, 498A, 504 and 506 of the Indian Penal Code process has been directed to be issued after cognizance being taken.

Learned counsel for the petitioner is permitted to make necessary correction in the petition.

The basic accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 5 of the petition which reads as follows:-

"5. That the petitioner is husband and has committed no offences, never made any demand of dowry and never tortured and ready to keep her with full honour 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 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 Judicial Magistrate, 1st Class, Madhubani in connection with Complaint Case No.1038 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 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)

Ashwini/-

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