

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43772 of 2015

Arising Out of PS.Case No. -237 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

Subodh Sah Son of Sri Shubhnarayan Sah, Resident of Village - Kukra,
P.S. - Shikarpur, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Reena Devi, Wife of Sri Subodh Sah and daughter of Sri Shivshankar
Sah, Resident of Village -Pokhariya Rai, P.s. - Chanpatia, District - East
Champaran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Pushpa Sinha-Ii(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-09-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 326, 307 and 498A/34 of the Indian Penal Code.

The accusation is of torture and causing burnt injury.

It is submitted by learned counsel for the petitioner that there is no injury report on record to suggest that the informant has received any burnt injury. The petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in

para 12 of the petition which reads as follows:-

“That he undertakes before the Hon’ble Court to keep her with all dignity and honour, respect and comfort, safety and security.”

Learned counsel for the informant, on instruction, submits that the informant is ready to accept the offer of the petitioner but the petitioner has illicit relationship with the wife of informant’s brother which is being denied by the counsel for the petitioner, statement to that effect has been made in para 8 of the petition, which reads as follows:-

“That, in fact, the O.P. No.2 is of suspicious nature, and she always remained suspicious about the petitioner’s relation with his ‘bhabhi’, and this led her to lodge the present case with all concocted allegation. The petitioner has no married his bhabhi, nor has he taken another wife.

Both sides agree to appear before the learned court below on 1st of October, 2015 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 237 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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