

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34002 of 2015

Arising Out of PS.Case No. -2899 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Dilip Sah @ Dilip Kumar Sah

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 494 and 323 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant, and has not performed second marriage and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para 6 and 17 of the petition which reads as follows:-

“6. That at the outset it is stated that the petitioner

is the husband of the complainant(O.P. No.2) and has neither tortured to the O.P. no.2 nor has illicit relationship with any other girl and never demanded money as alleged in complainant and has not married with any other girl as alleged by the complainant in her SA.

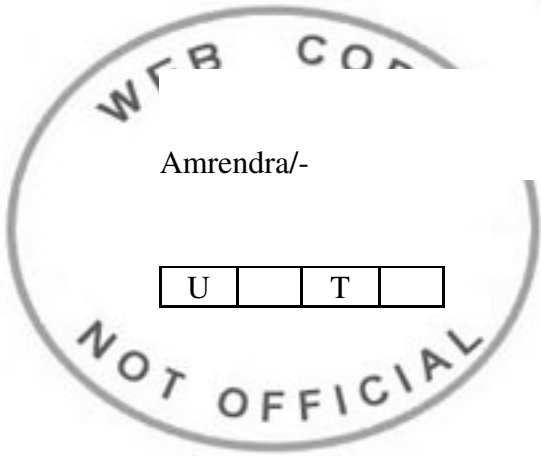
17. That the petitioner is still ready to keep her wife (O.P. No.2) with all her dignities and honour.”

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, Patna in connection with Complaint Case No. 2899C of 2013, 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)

Amrendra/-

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