

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45097 of 2015

Arising Out of PS.Case No. -72 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

Sanjay Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey

For the Opposite Party/s : Mr. Manoj Kumar No.1(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2015 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 323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the accusation of torture has been levelled after 20 years of the marriage. The marriage between the petitioner and the complainant and birth of two children are admitted. It is further submitted that the complainant has deserted the petitioner and two children and she has performed second marriage with one

Ram Keshwar Mahto.

From perusal of the impugned order, it appears that in spite of notice, the complainant failed to appear before the learned court below, relevant part of the same reads as follows:-

“Perused the record. The Victim Seema Devi did not appear before this Court in spite of issuance of registered notice to her. It appears that the victim feels danger at the hand of the petitioner.”

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for six months 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 SDJM, Dehri, Rohtas at Sasaram in connection with Complaint Case No. 72 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.

The provisional bail of the petitioner will be confirmed by learned court below if the complainant admits that she has performed second marriage or if she fails to appear. But if she denies the performance of second marriage then the

learned court below will make effort to get the issue reconciled.

Amrendra/-

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(Dinesh Kumar Singh, J)

