

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44467 of 2014

Arising Out of PS.Case No. -382 Year- 2011 Thana -MUZZFARPUR COMPLAINT CASE District-
MUZZAFFARPUR

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Gagandeo Sah @ Ram Babu Sah Son of Ram Bahadur Sah Resident of
Village - Panapur, P.S. - Minapur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bina Devi Wife of Ram Babu Sah @ Gagandeo Sah Resident of
Village - Motipur Ward No. 1, P.O. AND P.S. - Motipur, District -
Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Ganesh Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 20-03-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
processes have been directed to be issued after cognizance being
taken for the offences punishable under Section 498A of the
Indian Penal Code.

The basic accusation is of torture.



On submission of learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. Notices were issued to the complainant vide order dated 16.12.2014, but in spite of service of notice through the lawyer of the complainant appearing before the learned court below, none is appearing on behalf of the complainant. A statement has been made in para 9 of the petition that the petitioner has not performed second marriage.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate (West), Muzaffarpur in connection with Complaint Case No. 382 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within one year by the learned court below in three

eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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