

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40021 of 2015

Arising Out of PS.Case No. -996 Year- 2011 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Santosh Kumar Sah, Son of Kapildeo Sah, Resident of village Mirjawa,
Ward No. 13, P.S. Triveniganj, District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi, Wife of Santosh Kumar Sah, Resident of Village –
Mirjawa, Ward No. 13, P.S. Triveniganj, District – Supaul at present
residing at Village Laxmipur Bhagwati, P.S. Sri Nagar, District –
Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 27-08-2015

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

process has been directed to be issued after cognizance being

taken for the offences punishable under Section 498A, 323 and

379 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the



complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:- **“That the petitioner is ready to keep the complainant-wife with full honour and dignity.”** It is further submitted that the petitioner filed Matrimonial Suit No. 1037 of 2014 for restitution of conjugal rites.

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, Madhepura in connection with Complaint Case No. 996 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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