

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44178 of 2014

Arising Out of PS.Case No. -70 Year- 2014 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

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Arbind Sah S/o Late Laxmi Narayan Sah R/o village- Kundwa Chainpur,
P.S.- Kundwa Chainpur, District- East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar
2. Kavita Kumari, W/o Arbind Sah, Rajkiya Middle School, Chainpur,
Block – Dhaka, District – East Champaran, Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Indu Kumari Srivastav(App)

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

ORAL ORDER

05/ 10-09-2015

The office note dated 09.09.2015 reflects

that O.P. No. 2, though, received the notices, but refused to give
receiving of the same. In the circumstances, the notices are
treated to be deemed valid service.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 323, 498A, 504 and 506 of
the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner is ready to keep the informant as
wife with full dignity and honour. Statement to that effect has
been made in paragraph 10 of the petition, which reads as

follows:- “That the petitioner is ready to keep informant, as wife with all respect and dignity but informant herself is not ready to live with him.”

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail 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, Sikrahana, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 70 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail to the petitioner will not preclude the informant to resume the conjugal life. If she files such application before the learned court below then petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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