

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3160 of 2016

Arising Out of PS.Case No. -1708 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Saroj Shah son of Jamadar Shah

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabita Devi W/o Saroj Shah, D/o Jawahir Shah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Indu Bala Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-02-2016

Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"10..... the petitioner is ready to keep his wife with full honour and dignity."

Learned counsel for the petitioner further submits that

summons have already been issued against the petitioner. A statement to that effect has been made in paragraph 2 of the supplementary affidavit, which reads as follows :-

"2. That the Complaint Case No.1708/2014, T.R. No.2352/2016 (Sabita Devi Vs.Saroj Sah and Others) was filed on 18.01.2016 in the Court of learned S.D.J.M., Saran at Chapra and whereby learned S.D.J.M., Saran at Chapra was pleased to issue NBW against the petitioner and next date was fixed on 22.02.2016."

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 SDJM, Saran, Chapra in connection with Complaint Case No.1708/2014, 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)

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