

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3987 of 2016

Arising Out of PS.Case No. -704 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Sheonath Sahani @ Shivnath Sahni S/o Meghu Sahni Resident of village
- Kawalpur, P.S. Turkaulia, District - East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar
2. Gita Devi W/o Shivnath Sahni resident of village - Karha, P.S. Motihari
Muffasil, District - East Champaran

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Ahmad Ali(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-05-2016 Though, the matter has been listed under the heading for orders on office notes due to non service of notice to opposite party no. 2, but since Mr. Sandeep Kumar has entered appearance on behalf of opposite party no. 2, the matter is taken up on merits.

Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498A, 323, 379/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the

petitioner that petitioner admits his marriage with the informant and birth of three children. The petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 11 of the petition which reads as follows:-

“That it is humbly submitted that the petitioner is always ready to keep his wife and children with full respect and dignity.”

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner, but she is apprehensive due to the fact that the petitioner has kept a lady namely Sarita Devi in his house. This contention has been denied by the learned counsel for the petitioner.

Both the petitioner and informant agree to appear before the learned court below on 14th of June, 2016, when the petitioner will taken the informant and children to keep her as wife with full dignity and honour.

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 Chief Judicial Magistrate, East Champaran (Motihari) in connection

with Turkaulia P.S. Case No. 704 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will not be confirmed if substantially proved that the petitioner has kept any other lady particularly Sarita Devi.

In that event the petitioner will surrender before the learned court below and pray for regular bail.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--