

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10391 of 2016

Arising Out of PS.Case No. -164 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Vinod Sah S/O Anup Sah R/O Village- Harinarayan, P.S.- Sikarganj, Dist.
East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi W/O Vinod Sah D/O Nathuni Sah, R/O Village- Bisrahiya,
P.S.- Dhaka, Dist- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party no.2 : Mr. Shakil Ahymad Khan, Adv.
Mr. Waliur Rahman, Adv.
For the State : Mr. Rana Randhir Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which 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.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That ...the petitioner is ready to keep her with full

honour and dignity.”

Learned counsel for the complainant, on instruction, submits that though the complainant is ready to accept the offer of the petitioner but the petitioner never offered to keep her before the learned court below which gets reflected from the impugned order and the petitioner has greedy eye on the property of the complainant who is only the child of her parents.

Both sides agree to appear before the learned court below on 16th of March, 2016 when the petitioner will take the complainant 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 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 Judicial Magistrate, 1st Class, Sikrahana at Dhaka, Motihari, East Champaran in connection with Complaint Case No. 164 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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)

Amrendra/-

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