

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10920 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -LAUKHI District- MADHUBANI

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1. Binod Sah Son of late Janak Sah Resident of Village- Kariyout, PS
Laukahi District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Punam Devi D/o Raja Ram Sah R/o sobranpatti PS Barasain Distt
Saptari Nepal.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2016

The petitioner being husband of the informant
is apprehending his arrest in a case registered for the offences
punishable under Sections 341, 323, 379, 504, 506, 498A of
the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner on instruction that petitioner admits his marriage
with the informant and is ready to keep the informant as wife
with full dignity and honour. A statement to that effect has
been made in para 13 of the petition which reads as follows:-

“That the petitioner is ready
to keep his wife with full honour and dignity”

It appears from the impugned order that
statement was made before learned Court below that petitioner

is ready to keep the informant as wife with full dignity and honour but during argument a contrary statement was made which reads as follows:-

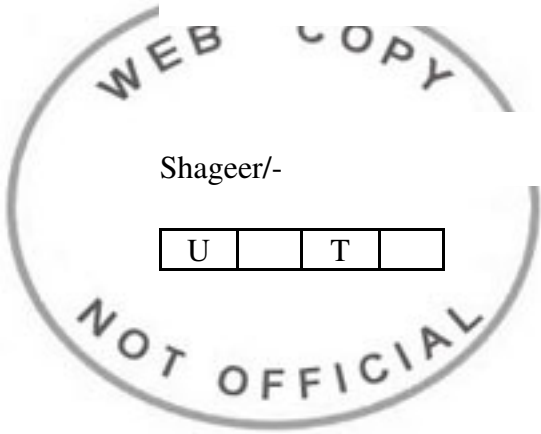
“During the course of argument, it comes in picture that petitioner is not ready to bring his wife from her parental house though contrary to it, in bail petition, it has been mentioned that the petitioner is ready to keep his wife”

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 91 of 2015.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the informant fails

to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)