

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13016 of 2016

Arising Out of PS.Case No. -797 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

Santosh Seth @ Santosh Kumar Soni, Son of Govind Seth, Resident of
Village Nagra, Police Station- Nagri, District- Baliya (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushma Devi wife of Mangal Seth, Daughter of Sri Ram Seth, Resident of Village- Barahua, Police Station Chakiya, District- Chandauli (Uttar Pradesh).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhakar Jha

For the Opposite Party/s : Mr. Narendra Kumar Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 20-09-2016

Heard learned counsels for the petitioner and the
State.

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

The basic accusation is of torture, though, the complaint petition contains the accusation of ravishing of the complainant by the petitioner but the learned Magistrate has only found, prima facie, case under Section 498A of the Indian Penal

Code.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the husband of the complainant and on the basis of the compromise the husband of the complainant has been granted anticipatory bail by learned 7th Additional Sessions Judge, Rohtas at Sasaram vide A.B.P. No. 556 of 2016.

It is submitted by learned counsel for the complainant that the complaint petition contains specific accusation under Section 376 IPC, though, no cognizance has been taken under Section 376 of the IPC but the complainant has challenged the order of cognizance dated 21.01.2016 in Criminal Revision No. 232 of 2016 and the said revision application has been admitted by learned Sessions Judge, Rohtas at Sasaram in which notices have been issued to the petitioner.

Considering the fact that, at present, cognizance has only been taken under Section 498A of the IPC, the husband of the complainant has reconciled the issue and has been granted anticipatory bail, let the above named petitioner be released on anticipatory bail provisionally till disposal of the Criminal Revision No. 232 of 2016, 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, Rohtas at Sasaram in connection with Complaint Case No. 797 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below if the revision application is dismissed, but if in pursuance to the revisional order ultimately the cognizance order is varied then in that eventuality the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

DKS/-

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