

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25556 of 2016

Arising Out of PS.Case No. -56 Year- 2016 Thana -RAJAUN District- BANKA

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Nand Kishore Sah S/o Prayag Sah Resident of village - Niyamatpur
Madhay, Police Station Rajoun, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjula Devi W/o Nand Kishore Sah Resident of village - Niyamatpur
Madhay, Police Station Rajoun, District - Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

05/ 21-12-2016

Heard learned counsels for the petitioner, State
and the opposite party no.2-informant.

Though, the matter has been listed under the
hearing 'For orders (on office notes)' awaiting service report of
notices issued to opposite party no. 2, but since Smt. Asha
Kumari, Advocate has entered appearance on behalf of opposite
party no. 2 the matter is taken up for hearing on merits.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 494, 498A of the Indian
Penal Code and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non-



fulfillment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is still ready to keep the informant with full dignity and honour and also maintain the O.P. NO. 2 with her two female children.”

It is further submitted that the petitioner has not performed second marriage, though statement to that effect has not been made in the petition.

A joint affidavit has been filed to the effect that the petitioner and the opposite party no.2-informant are residing together at Delhi and opposite party no. 2 is not opposing the prayer for anticipatory bail of the petitioner and further the issue has been reconciled between the parties. Statements to that effect have been made in paragraphs 1, 2 and 3 of the supplementary affidavit.

Considering present stand of the parties, let the above named petitioner be released on anticipatory bail in the



event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 56 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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