

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29545 of 2016

Arising Out of PS.Case No. -163 Year- 2015 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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Dinesh Sah, son of Bindeshwari Sah, resident of village Sishani Bajar, P.S.
Pakarideyal, District East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. Meena Devi, wife of Dinesh Sah, daughter of Baiju Sah, resident of
village Madhubani Ghat, P.S. Muffasil, District East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 21-07-2016 Heard learned counsel for the parties.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under sections 498A, 406 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant on 14.6.1997 and he is ready to keep the informant and children with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition, which reads as follows:

"That, be that as it may, the petitioner has no grievance against his wife, and he, however, undertakes before the Hon'ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security."



It is further submitted that similar stand was taken by the petitioner before the learned court below but the offer of the petitioner was not accepted by the informant, which gets reflected from the impugned order passed by the learned Sessions Judge, East Champaran, Motihari. Moreover, statement has been made in paragraph 10 of the petition that the petitioner has not performed second marriage, which reads as follows:

"That the petitioner has not solemnized second marriage."

Considering the present stand of the petitioner, let the abovenamed petitioner be released on provisional anticipatory bail for six months, 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 the Chief Judicial Magistrate, East Champaran at Motihari in Pakaridayal P.S.Case No. 163/2015, G.R.Case No. 6258/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities: (i) if the

matrimonial harmony is substantially restored, (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Surendra/-

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