

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36144 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Sudarshan Sah son of Baijanth Sah resident of Village-Lalapur Kudra,
P.S.- Kudra, District- Kaimur

.... Petitioner/s

Versus

1. The State of Bihar
2. Ragni Ddevi daughter of Sri Bindhachal Gupta resident of Village-Dhan
Toliya, Ward No.26, P.O.+P.S.- Dihri, District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayansingh

For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 19-09-2016 The matter is listed under the heading ‘For Orders
(on office notes)’ awaiting service report but since the O.P. No. 2
has entered appearance, the matter is being taken up on merits.

Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offence punishable
under Sections 498A,323,341 and 406/34 of the Indian Penal
Code.

The basic accusation is of torture.

On instructions, it is submitted that the petitioner admits
his marriage with the informant and birth of three children. The

petitioner and the informant are present. The petitioner is ready to keep the informant as wife and children with full dignity and honour though statement to that effect has not been made in the petition.

It is further submitted that the informant developed some illicit relationship with the co villager and the petitioner has filed Complaint Case No. 1057 of 2015 wherein cognizance has been taken. The petitioner has also filed Matrimonial Suit No. 51 of 2016 with a prayer for divorce and the informant has filed Maintenance Case no. 44 of 2016 claiming maintenance. The informant has also filed complaint case against the brother in law of the petitioner. Both sides agree to file appropriate application in all the complaint cases, matrimonial suit and matrimonial case to the effect that they have reconciled the issue.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner. Both petitioner and the informant agree to appear before the learned court below on 3.10.2016 when the petitioner will take the informant to keep her as wife and children with full dignity and honour.

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

bail for six months in the event of arrest or surrender before the learned Court below within a period of six 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 ACJM, Rohtas, Dehri in connection with Mahila (Rohtas, Dehri) P.S. Case No. 30 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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