

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42846 of 2016**

Arising Out of PS.Case No. -440 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-  
SASARAM (ROHTAS)

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1. Chandan Sah @ Chandan Kr Sah son of Late Sumer Sah, D/o Nathun Sah resident of Village- Kaithi, Police Station- Nokha, District- Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Maya Devi wife of Chandan Sah D/o Nathun Sah resident of Village- Kaithi, Police Station- Nokha, District- Rohtas, at present resident of Village- Dhanpura, Police Station- Dinara, District- Rohtas.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Tiwary  
For the Opposite Party/s : Mr. Murlidhar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      28-09-2016                      Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph

no. 13 of the petition which reads as follows:

“That the petitioner is ready to keep her lovely wife with full dignity and honour.”

Though the impugned order does not suggest the similar stand being taken by the petitioner before the learned court below but in view of the statement made in paragraph 13 of the petition, 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 SDJM, Bikramganj, Rohtas in connection with Complaint Case No.440 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 or (ii) if



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

**(Dinesh Kumar Singh, J)**

Anil/-

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