

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42957 of 2016

Arising Out of PS.Case No. -206 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Ramjee Sah son of Jaiphar Sah.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Ranjan, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been taken for the offences punishable under Section 498A 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 complainant and birth of two children and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant Opp. Party no.2 as his wife with full honour and dignity.”

It is further submitted that though, the complaint was

filed in the year 2013 but the order of cognizance has been passed on 25.08. 2014, statement to that effect has been made in paragraph no.9 of the petition which reads as follows:-

“That the case is pending in the court of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari as Tr. No. 2175 of 2016 (C-206/2013). The learned aforesaid Magistrate, has taken cognizance by order dated 25.08.2014 against the petitioner under Section 498A Indian Penal Code.”

Considering the present stand of the petitioner, 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 twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Raxaul at Motihari (East-Champaran) in connection with Complaint Case No. C-206 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance when the petitioner will take the complainant to her matrimonial house 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 complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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