

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41971 of 2016

Arising Out of Complaint Case No. -1352 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

=====

Pankaj Kumar Sah son of Bala Sah,

.... Petitioner/s

Versus

1. The State of Bihar
2. Niraj Devi @ Nirja Devi w/o Pankaj Kumar Sah, daughter of Uttim Chandra Sah,

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016

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 being taken for the offences punishable under Section 498A of the Indian Penal Code.

The accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 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 non-bailable warrant of arrest has been issued on 27.11.2015. A statement to that effect has been made in paragraph no.5 of the petition, which reads as under :-

"That the aforesaid case was transferred to the file of abovementioned trial court under section 192 Cr.P.C. where on the basis of allegations made in the complaint-petition, statements of complainant on solemn affirmation, and witnesses in inquiry under section 202 Cr.P.C., a prima facie case under sections 498A IPC was found to have made out by the learned Court against the accused persons including the petitioner, and accordingly they were summoned to stand trial, and Non Bailable Warrant was issued on 27.11.2015."

It is further submitted that similar was the stand of the petitioner before the learned Court below.

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 CJM, Motihari, East Champaran, in connection with Trial No.398 of 2016 arising out of Complaint Case No.C-1352 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 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Ashwini/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--