

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41316 of 2016

Arising Out of PS.Case No. -538 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Raj Mohan Sah son of Jitu Sah.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2016

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 Sections 498A and 379 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 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 still ready to keep the complainant/opposite party no.2 with full honour and dignity.”

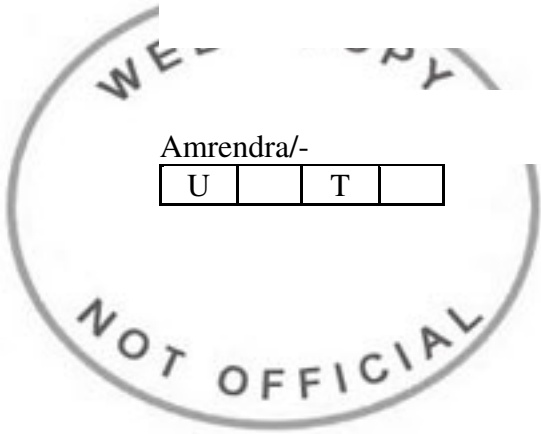
It is further submitted that at earlier point of time, the complainant filed Compliant Case No. 1110 of 2012 with accusation of torture but the said complaint stood dismissed and thereafter the present complaint has been filed.

Considering the fact that complaint case was filed in the year 2014 when the present anticipatory bail application has been preferred in the year 2016 and the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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, Sikrahna at Dhaka, East Champaran, Motihari in connection with Complaint Case No. C-538 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 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.



Amrendra/-

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(Dinesh Kumar Singh, J)