

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26346 of 2016

Arising Out of PS.Case No. -134 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Mukesh Sah son of Late Bali Sah resident of Village: Semradih, P.O. :
Biseni Kalan, P.S. : Rajpur, District : Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. Rani Devi wife of Mukesh Sah, D/o Late Uma Shankar Sah, resident of
Village: Semradih, P.O. : Biseni Kalan, P.S. : Rajpur, District : Rohtas,
presently resident of Village : Mendokhra, P.S. : Tilauthu, District : Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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

2 27-06-2016 Heard learned counsels for the petitioner and the

State.

Petitioner being the husband of the informant 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 and 323 of the Indian Penal Code

and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non fulfillment of

the dowry demand.

It is submitted by the learned counsel for the

petitioner that the petitioner admits his marriage with the

informant and is ready to keep the complainant with full dignity and honour. A 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 O.P. No.2 as wife with all love and affection.”

It appears from the impugned order that the complainant is not ready to live with the petitioner in view of the past conduct of the petitioner.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event or surrender before the learned Court below within a period of twelve 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 Sub-Divisional Judicial Magistrate, Sasaram, Rohtas in connection with Complaint Case No. 134 of 2014, subject to the conditions as laid down under Section 438(2) of the 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.

(Dinesh Kumar Singh, J.)

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