

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28381 of 2016**

Arising Out of PS.Case No. -94 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-  
BHAGALPUR

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Binod Kumar Sah @ Binod Sah Son of Late Sitaram Sah resident of Sour  
Bazar, P.S.- Sour Bazar, District- Saharsa.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Sarika Rani wife of Binod Kumar Sah, D/o Binod Kumar Sah resident  
of Village Janidiy, P.S.- Kahalgaon, (Ghogha), District- Bhagalpur.

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

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

02/ 12-07-2016

Heard learned counsels for the petitioner and the  
State.

The petitioner being the husband of the  
complainant is apprehending his 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 and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-  
fulfillment of the dowry demand.

It is submitted by learned counsel for the  
petitioner that the petitioner admits his marriage with the

complainant. The petitioner has filed Matrimonial Suit No. 53 of 2015 for restitution of conjugal rights and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

*“That the petitioner was and is still ready to keep the complainant with all possible love, comforts and dignity.”*

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 94 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 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) on substantial restoration of the matrimonial harmony; (ii) or if the

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

(Dinesh Kumar Singh, J)

DKS/-

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