

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27331 of 2016

Arising Out of PS.Case No. -157 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

=====

Sunil Kumar Sah S/o- Radhe Prasad Sah, Resident of Village-
Permanandpur, P.S Birpur, District- Suupaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Puja Devi W/o- Sunil Kumar Sah D/o Prabhu Chandra Sah, resident of
Village- Bhimpur, P.S. Bhimpur, District- Supaul.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha
For the Opposite Party/s : Mr. Smt. Pronati Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-07-2016 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 basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and 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 the petitioner is the husband of the complainant and he is always ready to keep the complainant (wife) with full respect and dignity.”



It appears that the learned Sessions Judge disposed of the anticipatory bail application of the petitioner in view of the ratio laid down in the case of **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar & Another** reported in **2015 (3) PLJR, 806 (Cr. Misc. No. 51075 of 2014)** since only the summons were issued.

It is further submitted by learned counsel for the petitioner that now non-bailable warrant of arrest has been issued on 17.05.2016, statement to that effect has been made in para 12 of the petition which reads as follows:-

“That it is humbly submitted that non-bailable warrant has been issued on 17.05.2016 against all the accused persons named in the complaint case.”

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 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 JM, 1st Class, Supaul in connection with Complaint Case No. 157C of 2015, 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.

(Dinesh Kumar Singh, J)

Amrendra/-

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