

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30371 of 2016

Arising Out of PS.Case No. -1416 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Santosh Shah Son of Shyam Lal Sah resident of village- Pilui Police Station- Daudpur,District-Saran at Chapra,Present Resident of House No.- 1736,Sector-52.Police Station-Sector 36,Chandigarh

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangita Kumari wife of Santosh Shah, D/O Baban Sah resident of Village- Baloo Ghat, P.S.- Town, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate

For the Opposite Party/s : Mr. Sri Binod Kumar 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have 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.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 10 of the petition which reads as follows:-

“That, it is submitted that the petitioner is always and still ready to keep her wife i.e. O.P. No. 2 with full honour and dignity.”

It is further submitted that earlier also similar case was filed. Though, the petitioner has filed Matrimonial Suit No. 2229 of 2015 for dissolution of marriage, but the same has also been disposed of in view of the compromise. Though statement to that effect has not been made in the petition.

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 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, East Muzaffarpur in connection with Complaint Case No. 1416 of 2015, 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 within six months 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)

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