

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32132 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Chandan Sah, S/o Mank Lal Sah, resident of village- Kopa, Police Station-
Sonwarsha Raj, District- Saharsa

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2016 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 Sections 323, 379, 498A, 504, 506/34 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. The petitioner has filed Matrimonial Case No. 23 of 2015 for restitution of conjugal rights. The petitioner is still ready to keep the complainant 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, it is humbly submitted that the petitioner being husband of the complainant is still ready to keep his wife with full honour and dignity, for which the petitioner has also filed Matrimonial case under Section 9 of the Hindu Marriage Act, vide Matrimonial Case No. 23 of 2015.”

Similar was the stand of the petitioner before the learned court below, but the complainant has not chosen to appear before the learned court below after issuance of notice.

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, Saharsa in connection with Complaint Case No. 81C 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 one year 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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