

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27826 of 2016**

Arising Out of PS.Case No. -17 Year- 2016 Thana -AKHODHIGOLA District- SASARAM  
(ROHTAS)

- =====
1. Baban Sah, Son of Late Deodhari Sah.
  2. Birendra Sah, son of Baban Sah.
  3. Harendra Sah Son of Baban Sah.
  4. Gago Kuwar Wife of Late Deodhari Sah. All are the Resident of village-Kaithi, Police Station- Akorhi Gola, District:- Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Geeta Devi Wife of Baban Sah Resident of Village-Kaithi, P.S.- Akorhi Gola, District:- Rohtas.

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

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**Appearance :**

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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

2 09-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the sister of the informant and petitioner nos. 2 to 4 being the sons and mother of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 323, 379, 498A, 504 and 506/34 of the Indian Penal Code.

The accusation is of torturing the sister of the informant and making assault to the informant and his sister.

It is submitted by the learned counsel for the petitioners that that petitioner no.1 admits his marriage with the sister informant and birth of two children. The accusation of torture has

been levelled by the informant after 25 years of the marriage. It is further submitted that the sister of the informant is residing with the petitioners and there is no matrimonial dispute between the petitioner no.1 and informant's sister, statement to that effect has been made in para 2 and 3 of the supplementary affidavit which reads as follows:-

*“2. That the Opposite Party No.2 (wife) is living with petitioner no.1 (husband) in the house of petitioners.*

*3. That there is no any matrimonial dispute between the opposite party no.2 and petitioner no.1.”*

Considering the present stand of the petitioner no.1, let the above named petitioner no. 1 be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Dehri On Sone, Rohtas in connection with Akorhi Gola P.S. Case No. 17 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the sister of the informant and on appearance if she denies any matrimonial dispute with petitioner no.1 then the provisional bail of the

petitioner no.1 will be confirmed but if she claims that she is being tortured by the petitioner no.1 then learned court below will make all efforts to get the issue reconciled between the parties and thereafter confirm the provisional bail of petitioner no.1.

Considering the present stand of petitioner no.1, let the above named petitioner nos. 2 to 4 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Dehri On Sone, Rohtas in connection with Akorhi Gola P.S. Case No. 17 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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