

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26629 of 2016

Arising Out of PS.Case No. -299 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Manoj Kumar Sah, S/o Shri Sadanand Sah, Resident of village + P.O. –
Baluaaha, P.S. Mahishi, District – Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi D/o Udgar Sah, W/o Manoj Kumar Sah, at present Resident
of village – Rasiyahi, P.S. Ghanshyampur, District – Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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

ORAL ORDER

03/ 06-09-2016

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 Sections 498A, 494 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 and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child and is ready to keep the

complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:-

“That the petitioner and parents of the petitioner went to the house of complainant for bidagiri but complainant has refused to come with the petitioner and petitioner is always ready to keep his wife with full dignity and honour.”

It is further submitted that, though, the petitioner has performed second marriage since the complainant has deserted him.

The petitioner and the complainant are present in the Court.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and is not opposing the prayer for bail in spite of the fact that she knows that the petitioner has performed second marriage.

Both sides agree to appear before the learned court below on 13th of September, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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, Biraul (Benipur) in connection with C.R. No. 299 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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)

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