

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 47285 of 2016

Arising out of P.S. Case No. - 11 Year - 2015 Thana - SAHARSA COMPLAINT CASE District - SAHARSA

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1. Sujit Sah, Son of Gopi Sah
 2. Gopi Sah, Son of Late Golu Sah
 3. Indra Devi, Wife of Gopi Sah
 4. Sanjay Sah, Son of Gopi Sah
 5. Fulo Sah, Son of Gopi Sah
 6. Soni Devi, Wife of Anil Sah

All residents of village Sahsaal, P.S. Sonbarsa Raj,
District Saharsa

.... Petitioners

Versus

1. The State of Bihar
2. Rekha Devi, Wife of Sujit Sah, D/o Late Baleshwar Sah, Resident of Village – Sahsaal, P.S. Sonbarsa Raj, District Saharsa, at present resident of village Murli, P.S. Salkhua, District Saharsa

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Amarnath Jha, Advocate
For the Opposite Parties : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-10-2016

Heard learned counsels for the petitioners and

the State.

The petitioners being the husband, father, mother, brothers and sister of the husband of the complainant are apprehending their arrest wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498(A), 497, 406 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture and having illicit relationship with Priyanka Kumari.

Learned counsel for the petitioners submits that the petitioner no. 1 being the husband of the complainant is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner no. 1 is the husband who is ready to keep the Opposite Party No. 2 with all dignity and honour and is ready to maintain her as well as the child.”

It is further submitted that the accusation is omnibus and general against the petitioners.

Considering the present stand of petitioner no. 1, let the above named petitioner no. 1 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-Judicial Magistrate, Saharsa in connection with Complaint Case No. 11 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 no. 1 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no. 1 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.

Considering the present stand of petitioner no. 1, let the above named petitioner nos. 2 to 6 be released on anticipatory bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Sub-Judicial Magistrate, Saharsa in connection with Complaint Case No. 11 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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