

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19243 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -MAHILA P.S. District- BHAGALPUR

1. Satto Sahni, son of Late Shiv Pujan Sahni, Resident of Mohalla- Kagji Tola, Ward No. 8, P.S. Kahalgaon, Distt- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Surendra Prasad Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-05-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered under sections 498A,379,323,354A,354B,341,452,504 and 506/34 of the Indian Penal Code.

The prosecution case is that the informant claimed to have married with the petitioner about 15 years ago, but due to his drinking habit she is residing separately since one year. It is alleged that the agnates of the petitioner entered the house and took away Rs.600/-, and threatened to kill her.

It has been submitted by the learned counsel for the petitioner that the informant herself admitted that she has been living separately since one year. The Sanha was lodged on 25-1-

2016, wherein it has been alleged that the agnate of the husband of the informant made an attempt to commit rape on her. In spite of the aforesaid facts, the petitioner is still ready to keep the informant with full dignity. Statement to that effect has been made in paragraph no.15 of the petition, which reads as follows:

“ That it is true that the petitioner is husband of the informant and being a reasonable person of the locality he is always ready to keep his wife with full dignities provided she also becomes ready for that.”

Let the learned court below issue notice to the informant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner, let the petitioner be released on provisional anticipatory bail for one year in the event of 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, Bhagalpur, in connection with Mahila P.S. Case No.05/16, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The provisional anticipatory 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; or(ii) if the informant gets reluctant to reconcile the issue; or (iii) if the informant fails to appear before the learned court below.

(Dinesh Kumar Singh, J)

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