

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24699 of 2017

Arising Out of P.S. Case No. -831 Year- 2016 Thana -WEST CHAMPARAN COMPLAINT
District- WEST CHAMPARAN (BETTIAH)

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Surendra Sah, Son of Shiv Narayan Sah, Resident of Village- Jhakhara,
Police Station- Jagdishpur, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Manoj Sah, Son of late Laxman Sah, Resident of Village- Hardi Patti,
Police Station- Nautan, Jagdishpur, District- West Champaran.
3. Sharda Devi, Wife of Surendra Sah, resident of Village- Jhakhara, Police
Station- Jagdishpur, District- West Champaran presently residing as
Daughter of Late Laxman Sah, Resident of Village- Hardipati, Police
Station-Nautan (Jagdishpur), District- West Champaran.

.... Opposite Parties

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Appearance:

For the Petitioner/s : Sri Sanjay Kumar No. 7, Advocate.
For the State : Smt. Sucheta Yadav, A.P.P.
For the Opp. Party no. 2 &3: Sri Shiv Kumar Dwivedy, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

4 09-08-2017 Heard learned counsel for the petitioner, learned counsel

for the opposite parties no. 2 and 3 and learned A.P.P. for the

State.

The petitioner as well as the opposite parties no. 2
and 3 are also physically present.

The present application has been filed for grant of
anticipatory bail to the petitioner in connection with Complaint
Case No. 831/2016, presently pending in the Court of the learned
Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in
which cognizance under Section 498A of the Indian Penal Code



has been taken and the petitioner has been called upon to appear.

The allegation, as contained in Annexure-1 to the present petition, is that even though from the wedlock of the petitioner and the opposite party no. 3 there are two sons, the petitioner performed second marriage with one Laxmi Devi, demanded dowry and all the accused assaulted the opposite party no. 3 and attempted to kill her. At the time of filing of the complaint, the age of the two sons are said to be 12 years and 8 years respectively.

Pursuant to the order dated 13.06.2017 and 12.07.2017 passed by this Court, the parties agreed to live together and as per their submissions, which are duly recorded in the order dated 12.07.2017, the petitioner went to the Maiyke of the opposite party No. 3 and has brought her to her matrimonial home. The opposite party no. 3 is present today, her only grievance is that she has been living in a separate place in the village where the petitioner has constructed an Asbestos shaded room and her submission is that although there is no act of physical torture but the petitioner should keep her in the same house where he is living. It is an admitted position that one of the sons is also residing with the petitioner while the other son is presently residing with the opposite party no. 2.



Today, once again the parties have agreed that they want to live together. The petitioner has undertaken to hand over the Chirkut after getting the signature of his mother on the same authorizing the opposite party no. 3 to receive the original sale deed which has been executed in her favour as a token of security for her. At the same time, the petitioner also undertakes to keep the opposite party no. 3 in the same house where he is living with his son and has further agreed to take care of the studies of both sons.

This being the development and the position emerging out of the efforts of settlement taken by the learned counsel for the parties with a positive bend of mind, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, let the petitioner, namely, Surendra Sah, in the event of his arrest or surrender before the learned court below within four weeks from today, be enlarged on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 831 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and that if the petitioner is found to be involved in repeating any act of



cruelty or torture, his bail bonds shall be canceled by the learned court below.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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