

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31459 of 2016

Arising Out of PS.Case No. -959 Year- 2015 Thana -COMPLAINT CASE District- BANKA

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1. Manilal Sah Son of Yogendra Sah Resident of Village- Rahimdih, P.S. Rajoun, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Devi wife of Manilal Sah, D/o Viro Sah Resident of Village- Simroudha, P.S. Rajoun, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 02-03-2017 Heard learned counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

Though the petitioner and the complainant are present but none appears on behalf of the complainant.

The petitioner being husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323,379,498A and 504 of the Indian Penal Code and section 4 of Dowry Prohibition Act.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue. Though there was some differences between the



complainant and the petitioner but now they have resolved the issued and both are residing together.

This court vide order dated 3.10.2016 issued notice to the complainant O.P. No. 2. The office note dated 16.1.2017 reflects that the notice issued to O.P. No. 2 was received by her father. On submission of learned counsel for the petitioner that the complainant resides at her parents' house, the notice was sent at her father's house. In the circumstances, vide order dated 17.1.2017 the notice issued to O.P. No. 2 was treated as deemed valid service.

None appeared on behalf of the complainant on 10.2.2017. The lady, who is present in court, claims herself to be Soni Devi, wife of the petitioner Manilal Sah and daughter of Viro Sah. On query made by the court, the lady discloses the correct address of her husband as well as of her parents. There is no mechanism before this court to ascertain the identity of the lady but since she is not denying the contention of the petitioner that she is his wife and admits that she is residing with the petitioner at present and is not opposing the prayer for anticipatory bail of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today



on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Banka in connection with Complaint Case No. 959 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned court below on filing an affidavit by the parents of Soni Devi to the effect that the lady who appears before this court as wife of the petitioner is Soni Devi. Soni Devi will also file an affidavit that she is residing with the petitioner since issue has been reconciled.

(Dinesh Kumar Singh, J)

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