

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40309 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -MAHARAJGANJ District- SIWAN

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Lalandhar Sah, Son of Sheolochan Sah, Resident of Village- Aakil Tola,
Police Station- Maharajganj, District- Siwan

.... Petitioner

Versus

1. State of Bihar
2. Pramila Devi, wife of Laldhar Sah, resident of Village – Aakil Tola,
Police Station –Maharajganj, District- Siwan

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the State : Mr. Sri Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 10-04-2017 Heard learned counsels for the petitioner, informant
and the State.

The petitioner being husband of the informant is
apprehending arrest in a case registered under sections
341,323,498A and 504 of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the informant and birth of
two children. The informant earlier filed Complaint Case No. C-
524 of 2015 wherein process has been directed to be issued after
cognizance being taken under section 498A IPC and the
petitioner was granted bail in the aforesaid case. Statement to
that effect has been made in paragraph 3 of the petition. Though,



initially the petitioner was ready to make payment of Rs.1500/- per month to the informant or rupees one lac as permanent alimony. Statement to that effect has been made in paragraph 4 of the supplementary affidavit which reads as follows:

“That it is humbly submitted that the petitioner is ready to pay of Rs.1500/- per month to the opposite party No.2 or ready to pay Rs..100000/- (one lac) as one time settlement subject to the quash the earlier case which has been filed by the opposite party no.2 under section 498A of I.P.C. as well as the present

Second supplementary affidavit has been filed on 04.04.2017 stating therein at paragraph no.3 that the petitioner is ready to keep the informant as wife with full dignity and honour. Paragraph no.3 of the second supplementary affidavit reads as under :-

"That it is humbly submitted that now the petitioner is ready to keep her wife with full dignity and honour."

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and ready to resume the conjugal life.

Both sides agree to appear before the learned court below on 24th of April, 2017 when the petitioner will take the informant 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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Siwan, in connection with Maharajganj P.S. Case No.81/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) or if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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