

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25702 of 2016

Arising Out of PS.Case No. -315 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE District-SAMASTIPUR

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Santu Sahni son of Baidyanath Sahni Resident of Village - Gadh Sisai
Police Station - Dalsingh saria District,- Samastipur Presently residing at
Mohalla- Magardahi Ghat,Ward no. 18 under Samastipur Municipality
Police Station- Samastipur(Town),District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Nirmala Devi, wife of Late Nageshwar Sah resident of Mohalla-
Magardahi Ghat Ward no.18 under Samastipur Municipality Police
Station- Samastipur (Town),District-Samastipur
3. Laxmi Kumari, Daughter of Late Nageshwar Sah Alleged wife of
santu sahani Resident of Mohala - Magardahi,Ghat,Ward no.18
under samastipur Municipality Police Station- Samastipur (Town),
District-Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

07/ 28-03-2017

Heard Mr. Choudhary Shyam Nandan, learned
counsel for the petitioner, Mr. Umashankar Sahni, learned counsel
for the complainant and Mr. Anil Kumar, learned counsel for the
State.

The petitioner and the daughter of the
complainant are present in the Court.



The petitioner being the husband of the daughter of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the daughter of the complainant and birth of a mal child. The petitioner is ready to keep the daughter of the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That, petitioner is agreed to accept the so called victim as wife and ready to keep the complainant’s daughter, Laxmi Kumari, opposite party no. 3 with full dignity and regard as wife in lieu of departure of her earlier marriage.”

It is further submitted by learned counsel for the petitioner that earlier the complainant filed Samastipur Town P.S. Case No. 637 of 2007 with accusation under Sections 363 and 366AA/34 of the Indian Penal Code wherein final form was submitted and the petitioner is on bail in the said case but thereafter the complainant filed Samastipur (T) P.S. Case No. 352 of 2008 with accusation under Section 376 of the IPC and



ultimately the petitioner was acquitted vide judgment dated 08.09.2010 by learned Additional District & Sessions Judge, Fast Track, Ist, Samastipur in Sessions Trial No. 375 of 2010. The judgment of the same has been brought on record as Annexure-2 series.

Learned counsel for the complainant submits that the daughter of the complainant accepts the offer of the petitioner.

Both sides agree to appear before the learned court below on 17th of April, 2017 when the petitioner will take the daughter of the complainant 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 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 Chief Judicial Magistrate, Samastipur in connection with Complaint Case No. 315C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on



substantial restoration of the matrimonial harmony; (ii) or if the daughter of the complainant gets reluctant to reconcile the issue; and (iii) or if the daughter of the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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