

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41472 of 2016

Arising Out of PS.Case No. -14 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Raju Sah son of Rajendra Sah
 2. Rajendra Sah son of Late Hrihar Sah
 3. Asha Devi wife of Rajendra Sah All resident of Village- Hirkhuua, P.S.-
Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sangita Devi wife of Raju Sah resident of Village- Hrkhuua, P.S.-
Gopalganj, District- Gopalganj, Present address, Daughter of Hrihar
Sah, resident of Village- Sakhekhass, P.S.- Uchka Ganw, District-
Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 09-02-2017

Heard learned counsels for the petitioners, State
and the complainant-opposite party no.2.

The petitioner no.1 being the husband of the
complainant and petitioner nos. 2 and 3 being the parents of the
husband of the complainant are apprehending their arrest in a
complaint case wherein process has been directed to be issued



after cognizance being taken for the offences punishable under Sections 498A and 406 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner no. 1 and the complainant are present in the Court.

It is submitted by learned counsel for the petitioners that the petitioner no. 1 admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 10 of the petition, which reads as follows:-

“That the petitioner is still ready to keep his wife with full dignity and honour, if she like to live with the petitioner in his house.”

It is further submitted that the similar was the stand of petitioner no. 1 before the learned court below.

The matter was referred to the Mediation Centre by the learned Sessions Judge but the issue could not be resolved.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner no.1 and ready to resume the conjugal life.

Counsel for the petitioners submits that petitioner no. 1 is ready to take the complainant from the Court itself.

Counsel for the complainant submits that the



complainant is ready to go with petitioner no. 1 from the Court itself.

In the circumstances, let the above named petitioner no.1 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 Sub-divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 14 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner no. 1 will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

Considering the present stand of petitioner no. 1 and the complainant, let the above named petitioner nos. 2 and 3 be released on anticipatory bail in the event of their 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) each with two sureties of the like amount each to the



satisfaction of learned Sub-divisional Judicial Magistrate,
Gopalganj in connection with Complaint Case No. 14 of 2014,
subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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