

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39043 of 2016

Arising Out of PS.Case No. -24 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Sohan Das, son of Sri Kishnu Das, resident of Village Balha, P.S. Rosera,
District Samastipur.

.... Petitioner

Versus

1. The State of Bihar.
2. Shanti Devi, w/o Sohan Das, resident of Village Balha, P.S. Rosera,
District Samastipur, At present - Shanti Devi, D/o Chalittar Das, Village-
Jahangirpur, Birkhauli, P.S. Rosera, District Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Lovekush Kumar, Advocate.

For the State : Mr. Matloob Rab, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

4 30-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner being the husband 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 498(A) of the Indian Penal
Code.

The basic accusation is of torture.

Though subsequent to the order of cognizance,
accusation has also been levelled that the petitioner has performed
second marriage.

It is submitted by learned counsel for the petitioner that



the petitioner admits his marriage with the complainant and he is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in paragraph no. 11 of the petition, which reads as follows:-

“That the petitioner is still ready to keep his wife (complainant) and his children and maintain them with full dignity, according to his means.”

It is further submitted that in pursuance to the order passed by the learned Sessions Judge, the complainant resumed the conjugal life for one day but after one day she returned and made false allegation that the petitioner has performed second marriage. It is further submitted that the petitioner has not performed second marriage. Moreover, neither the accusation of performing second marriage has been made in the complaint petition nor the cognizance has been taken under Section 494 of the Indian Penal Code. A statement to that effect has been made in paragraph no. 9 of the petition, which reads as follows:-

“That after return, she made a new.....by the order dated 03.12.2015.”

Subsequently the complainant is ready to accept the offer of the petitioner.

Let the petitioner above named, be released on provisional anticipatory bail for a period of six months in the



event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case/C.R. No. 24/2015, T.R. No. 2044/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A. C. J. M. Rosera, Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Both sides agree to appear before the learned court below on 14.02.2017 when the petitioner will take the complainant (wife) to her matrimonial house to keep her as wife with full dignity and honour.

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

U.K./-

(Dinesh Kumar Singh, J)

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