

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37227 of 2018

Arising Out of PS.Case No. -893 Year- 2017 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

- =====
1. Om Prakash Sah @ Patali, S/o Sudarshan Sah,
 2. Sudarshan Sah S/o Late Mathura Sah,
 3. Parmila Devi W/o Sudarshan Sah,
 4. Mantu Sah @ Mantu Kumar S/o Sudarshan Sah,
 5. Madan Sah S/o Sudarshan Sah,
 6. Harendra Sah S/o Sudarshan Sah, All R/o Vill.- Modiha, P.S.- Nokha,
District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Janeshwar Sah S/o Late Sarju Sah, R/o Vill.- Itahi, P.S.- Kudara,
District- Kaimur (Bhabhua).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

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

=====

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

ORAL ORDER

02/ 28-06-2018

Heard learned counsels for the petitioners and

the State.

The petitioner no. 1 being the husband of the daughter of the complainant, petitioner nos. 2 and 3 being the parents and petitioner nos. 4 to 6 being the brothers of the husband of the daughter 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 Section 498A of the Indian Penal



Code.

It is alleged by the informant that he performed the marriage of his daughter Nitu Devi in 2013 with petitioner no. 1 Om Prakash Sah, but subsequently further demand of motorcycle, refrigerator and washing machine was made and on non-fulfillment of the same, his daughter was tortured. Thereafter, on assurance of the complainant and after giving some articles, the accused persons became ready to keep the daughter of the complainant. On 26.07.2017 the complainant's daughter informed the complainant on phone that her in-laws will kill her for further demand of dowry.

It is submitted by learned counsel for the petitioners that the petitioner no. 1 admits his marriage with the daughter of the complainant and 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 11 of the petition, which reads as follows:-

“That, petitioner is ready and willing to keep his wife with full honour and dignity.”

Considering the present stand of petitioner no. 1, 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Complaint Case No. 893 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the daughter of the complainant and on her appearance the petitioner no. 1 will take the complainant to keep her as wife with full dignity and honour.

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 below.

Considering the present stand of petitioner no. 1 and the thrust of accusation against petitioner no. 1, let the above named petitioner nos. 2 to 6 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Complaint Case No. 893 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

