

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17281 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- PIRO District- Bhojpur

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Jitendar Sah @ Jitendar Maghi @ Jitendra Sah @ Jitendra Magahi, Son of
Late Nathuni Sah, Resident of Village- Behia Road, Ward No. 2, P.S.- Piro,
District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned Counsels for the petitioner and

learned APP for the State.

The petitioner, being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 498(A), 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of informant Gudia Devi Sushma Kumari submitted to SHO, Piro Police Station is to the effect that the marriage of the informant was performed with the petitioner Jitendra Magahi and subsequently, they were blessed with two children. Subsequently, torture was inflicted upon the informant and ultimately on 18.05.2018, informant was driven out of the matrimonial house by the petitioner and other in-law family members.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children and is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in paragraph no.12 of the petition, which reads as follows:-

“12.That, in spite of all odds the petitioner is ready to keep her with him all dignity and pride of a legally wedded wife but it is she who is not coming with him and demanding a huge sum for fulfillment of her absurd desires.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for a period of six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **ACJM-II, Bhojpur, Arrah** in connection with **Piro P.S. Case No. 166 of 2018**, 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 informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be



confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) 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)

Deepak/Rahul/-

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