

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27769 of 2019**

Arising Out of PS. Case No.-95 Year-2018 Thana- MAHILA P.S. District- Rohtas

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Rahul Sah @ Banti Sah @ Rahul Kumar, Son of Jaleshwar Sah, Resident of  
Village - Chawar Takiya, P.S.- Sasaram (T), Distt.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi D/o Vishwanath Sah Resident of Village - Nawadih, P.S.-  
Indrapuri, Distt.- Rohtas

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajani Kant Singh  
For the Opposite Party/s : Mr.Ajay Kumar

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

4      20-06-2019                      Heard learned counsel for the petitioner, learned  
counsel for the State and learned counsel for the informant.

In this case, the petitioner is seeking anticipatory bail  
in connection with Mahila P.S. Case No. 95 of 2018, registered  
for the offences punishable under Section 498A, 341, 323 and  
406/34 of the Indian Penal Code and Section 3/4 of Dowry  
Prohibition Act.

On 16.05.2019, the petitioner and opposite party no.2  
were physically present before this Court and the petitioner  
undertook to take opposite party no.2 to his house and she had  
gone along with the petitioner, but in the midway, he fled away  
leaving the opposite party no.2 from the Court premises itself,



whereafter, the opposite party no.2 along with her counsel came in Chambers and informed the incident, whereafter, this Court had directed for listing the case under the heading 'To Be Mentioned' on 20.06.2019 and accordingly, the case has been listed under the same heading.

Today, the petitioner and the opposite party no.2 are present. The opposite party no.2 is still ready to go with the petitioner, but looking to his past act, this Court is not inclined to direct the petitioner to carry his wife-opposite party no.2.

Looking to the aforesaid facts and circumstances of the case, let the petitioner, above-named, be released on **provisional anticipatory bail** in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Mahila P.S. Case No.95 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that the petitioner will pay Rs.3000/- per month by 7<sup>th</sup> of every month to the opposite party no.2 and will continue to make payment so long relationship of wife and husband exists.



In failure to make payment, the provisional anticipatory bail granted to the petitioner will be treated to have been cancelled and the police will be at liberty to take the petitioner under custody.

**(Shivaji Pandey, J)**

V.K.Pandey/-

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