

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33987 of 2019

Arising Out of Case No.-2938 Year-2017 GOPALGANJ COMPLAINT CASE District-
Gopalganj

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CHANDAN SAH @ CHANDAN TURHA Son of Baharan Turha Resident of
Village-Baansgaon, Post-Dudhahi, P.S-Bisunpura, District-Kushinagar, Uttar
Pradesh.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Babunti Devi W/o Chandan Sah @ Chandan Turha Resident of Village-
Baansgaon, Post-Dudhahi, P.S.-Bisunpura, District-Kushinagar, Uttar
Pradesh, at present-Sakhakhas, P.S-Uchkagaon, District-Gopalganj, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vibhakar Kumar
For the State	:	Mr.Umesh Lal Verma
for the Complainant	:	Mr. Sanjay Kr. Chaubey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-05-2019 Heard the learned counsel for the petitioner, the

learned APP and the learned counsel for the complainant.

The petitioner apprehends his arrest in Complaint case
No. 2938/ 2017 for the offences allegedly committed by the
petitioner under Section 498A of the IPC.

The learned counsel for the petitioner submits that
petitioner is husband of complainant and he is ready to keep his
wife with all honour and dignity.

The learned counsel for the complainant submits that
complainant is also willing to live with her husband but her
husband has already solemnized second marriage in a temple,
which is denied by the petitioner.

Taking into consideration the facts that husband and
wife are willing to restore their conjugal relation provided the



husband keeps the wife with all honour and dignity, the petitioner, above named, is directed to surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order and on such the learned court below shall enlarge the petitioner on provisional anticipatory bail for four months on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gopalganj in connection with Complaint case No. 2938/ 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Thereafter, the learned court below shall make all efforts for resolving the dispute between the husband and wife and if the petitioner is ready to keep his wife properly the provisional bail granted to the petitioner shall be confirmed. If the petitioner fails to keep his wife properly, without any fault of the wife, the learned court below shall pass order on the provisional bail of the petitioner, in accordance with law, immediately after four months.

(Prabhat Kumar Jha, J)

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