

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47389 of 2019

Arising Out of PS. Case No.-26 Year-2016 Thana- COMPLAINT CASE District- Sheohar

MADAN SAHANI S/o Hitlal Sahani R/o Village- Pachtakiyadu, P.S.-
Bairganiya, District- Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. Guriya Devi D/o Surendra Sahani R/o village- Belwa Narkatiya, P.S.-
Piprarhi, District- Sheohar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP
For O. P.	:	Mr. Diniesh Jha, Advocate
		Mr. Hanshlal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-10-2019 Heard learned counsel for the petitioner, learned
counsel for the O. P. No. 2 and learned APP representing the
State.

The petitioner in the present case is seeking
anticipatory bail in Complaint Case No. 26 of 2016 in which
cognizance for the offence has been taken under Section 498A
of the Indian Penal Code.

In course of argument learned counsel for the
petitioner submits that he has instruction to say that the
petitioner will go to the Maik of opposite party no. 2 within
one week from today and shall bring her back to the
matrimonial home and opposite party no. 2 shall live with this
petitioner with full dignity and care.



Learned counsel for Opposite Party No. 2 submits that earlier also the petitioner had taken the O. P. No. 2 to his house but there, he indulged in torturing her, therefore, this time though the O. P. No. 2 is willing to live with this petitioner, the petitioner must be cautioned that he should take care of O. P. No. 2 and shall not indulge in any act of cruelty.

Learned counsel for the petitioner submits that the petitioner would be living with O. P. No. 2 as husband and wife without any further complaint.

In the given facts and circumstances of the case, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 26 of 2016 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And subject to the undertaking given by the petitioner that he will go to the Maik of the O. P. No. 2 within one week from today and shall bring her back to the matrimonial home. In case any breach of the conditions and undertaking is committed by the petitioner, it will be open for the O. P. No. 2 to file an appropriate application for cancellation of the bail bonds.

In case the petitioner goes to the Maik of the O. P. No. 2 within the aforesaid period and O. P. No. 2 refuses to go with the petitioner, he will submit an information in this respect with the concerned Station House Officer of the area.

(Rajeev Ranjan Prasad, J)

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