

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46333 of 2019

Arising Out of PS. Case No.-864 Year-2018 Thana- TURKAULIYA District- East
Champaran

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UPENDRA SAH Son of Shambhu Sah Resident of Village- Turkaulia Brahm
Tola, P.S.- Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Savita Devi Wife of Upendra Sah Resident of Village- Turkaulia Brahm
Tola, P.S.- Turkaulia, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Surendra Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 17-10-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State. None is present on behalf of

opposite party no.2 despite service of notice upon her.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 341, 323,
498 A & 504 of the Indian Penal Code.

Petitioner, who happens to be husband of the
informant, is said to have subjected the informant to torture and
not accorded her any maintenance and medical treatment.

It is submitted by learned counsel for the
petitioner that the petitioner is quite innocent and has been
falsely implicated in this case. His marriage was performed 15



years back. They have been blessed with four children out of the said wedlock. He never subjected the informant to torture. There is no allegation of any dowry demand against the petitioner. Informant is living with the petitioner in his house. She did not turn up before the Court despite service of notice. Vide order dated 26.07.2019, the petitioner was directed to be released on provisional bail, if he is sought to be arrested by the police but he has not filed any bail bond before the learned Court below because he was not sought to be arrested. He has no criminal antecedent.

Learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkaulia P.S. Case No. 864 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. However, the learned lower Court shall be at liberty to cancel



the bail bond of the petitioner in case of making any complaint
by the opposite party no.2 against the petitioner and finding the
same to be true by the learned Court below.

(Prakash Chandra Jaiswal, J)

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