

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52866 of 2019**

Arising Out of PS. Case No.-16 Year-2019 Thana- MAHILA P.S. District- Kishanganj

Santosh Kumar Sah Son of Ganesh Sah Resident of Village - Gachhpara,  
Telibasti, P.S. and Distt - Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandani Devi Wife of Santosh Kumar Sah, D/o Visheshwar Sah Resident of - Kumba Tola, P.S.- Dighal Bank, Distt - Kishanganj.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Prawesh Kumar  
For the Opposite Party/s : Mr.Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      16-11-2019                      Heard learned counsel for the petitioner, learned counsel for the informant-opposite party no. 2 and learned APP for the State.

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 313, 498A, 504, 506/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case as per the written report submitted by the informant to the Station House Officer, Kishanganj Mahila Police Station is to the effect that she was married with the petitioner on 20.02.2018, but subsequent to the



marriage torture was inflicted and due to that pregnancy got terminated.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and there is nothing on record to corroborate the accusation of termination of pregnancy by medical opinion. The petitioner is still ready to keep the informant as wife with full dignity and honour, moreover, the petitioner has filed matrimonial suit for restitution of conjugal rights. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is the husband of the informant and always ready to keep her full dignity but she does not live the petitioner and always lives in her Maik in connection the petitioner also filed an application under section 9 of the Restitution of conjugal right bearing Matrimonial Case No. 37/19 dated 10.4.19.

Learned counsel for the informant submits that though the informant is apprehensive due to the past conduct of the petitioner but she is ready to accept the offer of the peittioner.

Both sides agree to appear before the learned Court below on 28<sup>th</sup> of November, 2019 when the petitioner will take



the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Kishanganj in connection with Kishanganj Mahila P.S. Case No. 16 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the 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)**

DKS/-

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