

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15326 of 2020

Arising Out of PS. Case No.-712 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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LALIT SAH @ DEVI LAL SAH Son of Ram Naresh Sah Resident of Village
- Khanpur, P.S. - Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aasha Kumari Wife of Lalit Sah @ Devi Lal Sah Daughter of Jagdish Sah,
Resident of Village - Khanpur, P.S. - Khanpur, District - Samastipur at
Present Residing at Village - Belsandi Tara, P.S.- Bibhutipur, District -
Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar No.1, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-11-2020 Heard both sides through Video Conferencing.

In spite of notice duly served on the opposite party
No.2, the opposite party No.2-wife of the petitioner has not
appeared.

The petitioner apprehends his arrest in Complaint
Case No. i.e. C.R. Case No.712 of 2018 registered under
Sections 323, 500, 504, 307, 406, 498A and 494 of the Indian
Penal Code.

The complainant alleged that she was married with
the petitioner in the year 2012. The complainant got one son
aged about five years from the wedlock but her husband



solemnised second marriage with a girl named Gudiya. Gudiya also got a son. It is further alleged that on 01.10.2018 while she was living in her in-laws house, the second wife of her husband came and the petitioner and the second wife subjected the complainant to different sorts of physical and mental torture.

The learned counsel for the petitioner submits that petitioner has not solemnised any second marriage. Petitioner is ready to keep his wife with all honour and dignity.

Taking into consideration the facts that petitioner is willing to resolve the dispute between the petitioner and his wife amicably, let the petitioner, above named, is directed to surrender in the court below within a period of six weeks from the date of receipt of this order and on such, learned court below shall enlarge the petitioner on provisional bail for six months on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Rosera, District-Samastipur in connection with Complaint Case No. i.e. C.R. Case No.712 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Thereafter, learned court below shall make efforts for resolution of the dispute between the husband and the wife. If



the dispute is amicably resolved, the provisional bail granted to the petitioner shall be confirmed. If the petitioner fails to keep his wife and does not co-operate in resolving the dispute, the learned court below shall pass order in accordance with law on the provisional bail of the petitioner immediately after lapse of six months.

(Prabhat Kumar Jha, J)

Saurabh/-

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