

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78009 of 2019

Arising Out of PS. Case No.-2079 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

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SANJAY SAH, Son of Nagina Sah, R/O - Mithapur Colony, Ramlakhan Path,
P.S. and P.O. - Kankarbagh, District - Patna, Bihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rekha Devi, Wife of Sanjay Sah, R/O - Mona Vishunpura, P.S. and P.O. -
Amnor, District - Saran, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sayed Imran Ghani, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

9 14-09-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 498A of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Petitioner is husband of opposite party no. 2.

No one appears for opposite party no. 2.

In pursuance of direction of this Court, the petitioner has
already filed supplementary affidavit.

Claim of the petitioner is that wife has already filed a case
for divorce whereas the petitioner has filed a case for restitution of
conjugal right before the competent court.



The petitioner had visited the house of opposite party no. 2 as directed by this Court on 10.07.2020 but the wife was not willing to go with the petitioner whereas petitioner is still ready to keep opposite party no. 2.

Considering the factual position aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Complaint Case No. 2079 (C) of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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