

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26634 of 2015

Arising Out of PS.Case No. -3451 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

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Deena Paswan son of Late Mahashiv Paswan, Resident of Village- Rasha
Purvi, Police Station- Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Pinki Devi, Wife of Dina Paswan, Daughter of Budhhan Paswan,
Resident of village- Sallahpur, Ward No. 7, P/s- Lalganj, District- Vaishali.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Md. Fahimuddin (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-07-2015

Heard both sides.

The petitioner apprehends his arrest in a case registered under Section 498(A) of the Indian Penal Code and Section 4 of the D.P. Act.

The marriage was solemnized in the year 2002. After 11 years of marriage, the complainant wife made allegations of demand of dowry and torture against the petitioner husband although the complainant got two children out of the wedlock. The petitioner is ready to keep his wife. He has also filed a petition for restitution of conjugal rights.

Learned counsel for the complainant submits that the complainant is ready to live with her husband but her husband has solemnized second marriage. Therefore, it is not possible for her

to live with the petitioner unless the petitioner deserts his second wife. Learned counsel for the petitioner submits that the petitioner did not perform second marriage.

Considering the fact that the petitioner denied to have solemnized second marriage and he is ready to keep his wife, the above named petitioner is directed to surrender in the court below within four weeks from today and the court below shall, after issuing notice to the complainant, grant provisional bail to the petitioner on furnishing bail bond in the sum of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Vaishali at Hajipur in Complaint Case No. 3451/14, corresponding to Tr. No. 5902/14.

The court below shall make all efforts for reconciliation of the dispute between the husband and the wife. If the dispute is resolved amicably between the parties, the provisional bail granted to the petitioner shall be confirmed. In case the dispute is not resolved, the court below shall pass orders on the prayer for provisional bail of the petitioner on its own merit in accordance with law.

(Prabhat Kumar Jha, J)

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