

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39347 of 2014

Arising Out of PS.Case No. -1610 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Amarjeet Rai, S/o Late Sitaram Rai R/o Village – Mod Nifas, P.S.
Maniyari, District – Muzaffarpur. Petitioner

Versus

1. The State of Bihar
2. Sabita Devi D/o Brahmdeo Rai, R/o Village – Muradpur, P.S. Mahua,
District – Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Khurshid Anwar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 23-03-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
processes have been directed to be issued after cognizance being
taken for the offences punishable under Section 498A of the
Indian Penal Code.

The basic accusation is of torture.

Notices were issued to opposite party no.2-
complainant vide order dated 02.03.2015 on submission of learned



counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition, the relevant portion of which reads as follows:- **“That, in fact petitioner has never solemnized second marriage with Sushila Devi and he is always ready to keep his wife & children with full dignity and love.”**

It is submitted by learned counsel for the complainant that the petitioner has performed second marriage with Sushila Devi whereas statement has been made in para 8 of the petition that he has never solemnized marriage with Sushila Devi.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his 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, Vaishali at Hajipur in connection with Complaint Case No. 1610 of 2013, 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 on verification of the fact that the petitioner has not performed second marriage when it will open for the complainant to file an application for resuming conjugal life, in such situation the petitioner will be obliged to comply the undertaking given before this Court, but if the learned court below comes to a conclusion that the petitioner has performed second marriage then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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