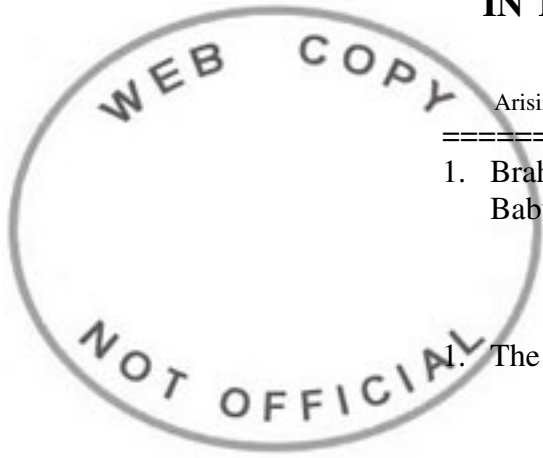




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34179 of 2015

Arising Out of PS.Case No. -98 Year- 2014 Thana -BABUBARHI District- MADHUBANI

=====

1. Brahmdeo Rai Son of Suraj Rai resident of village - Murhadi, P.S.
Babubarhi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Awadhesh Kumar Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2015

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 379, 494, 498(A)/34 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

On instructions, it is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and has not performed second marriage. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That from perusal of

the F.I.R/Complaint case allegation alleged

against the petitioner regarding the solemnized

second marriage is totally false because
petitioner has not solemnized second marriage”

It is further submitted on instructions that
petitioner is ready to keep the informant as wife with full dignity
and honour. A statement to that effect has been made in para
11 of the petition which reads as follows:-

“That petitioner is

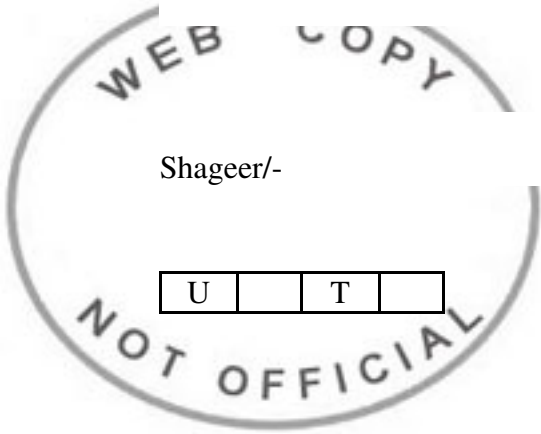
husband he is ready to keep the informant with
all respect”

Considering the present stand of the
petitioner, let the petitioner, above named, in the event of his
arrest or surrender before the Court below within a period of 12
weeks from today, be released on provisional anticipatory bail
for one year, on furnishing bail bond of Rs. 10,000/-(ten
thousand) with two sureties of the like amount each to the
satisfaction of learned Judicial Magistrate, 1st Class,
Madhubani in connection with Babubarhi P.S. Case No. 98 of
2014.

Let learned Court below issue notice to the
informant and fix a date for her appearance. On appearance,
the petitioner will take the informant to her matrimonial house
to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the
petitioner will be confirmed by the learned Court below in three
eventualities (i) On substantial restoration of the matrimonial
harmony within a period of one year (ii) If the informant fails to

appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)