

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37844 of 2015

Arising Out of PS.Case No. -289 Year- 2006 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Rakesh Sharma @ Rakesh Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case filed with accusation punishable under Sections 323, 498A and 379 of the Indian Penal Code wherein process has been directed to be issued after cognizance being taken.

The basic accusation is of torture. The factum of marriage between the petitioner and the complainant is admitted.

It is submitted by learned counsel for the petitioner that the complainant has performed second marriage with one Ram Kumar Sharma in the year 2005 itself.

Considering the aforesaid fact, let the above named petitioner be released on provisional anticipatory bail for six

months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Dalsingsarai, Samastipur in connection with C.R. No. 289 of 2006, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the provisional bail of the petitioner will be confirmed by the learned court below if the complainant admits that she has performed second marriage or if she fails to appear or if she appears and agrees to resume the conjugal life with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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