

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37778 of 2015

Arising Out of PS.Case No. -27 Year- 2014 Thana -MAHILA PS District- GAYA

- =====
1. Brahamdeo Pathak Son of Late Ramrup Pathak
 2. Basanti Devi Wif of Sri Brahamdeo Pathak
 3. Rajeev Kumar Pathak Son of Sri Brahamdeo Pathak All are resident of village - Imamganj, P.O. and P.S. Imamganj, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Pratima Kumari Daughter of Sri Sharmanand Mishra Resident of village - Imamganj, P.S. Imamganj, District - Gaya

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-08-2015 Heard learned counsels for the petitioners and the State.

The petitioner no. 3 being husband of the informant and petitioner nos. 1 and 2 being parents of petitioner no. 3 are apprehending arrest in a case registered for the offences punishable under Sections 494 and 498A of the Indian Penal Code.

The basic accusation is of torture and performance of second marriage.

It is submitted by the learned counsel for the petitioners that petitioner no. 3 admits his marriage with the



informant. The informant earlier filed Complaint Case no. 278 of 2010 making accusation under section 498A IPC wherein the petitioner no. 3 is on bail. Prior to that, petitioner no. 3 filed Matrimonial Suit no. 60 of 2008 for restitution of conjugal rights when the informant failed to reconcile the issue then the petitioner no. 3 filed Matrimonial Case No. 99 of 2010 for dissolution of marriage wherein the informant filed an application for maintenance and in pursuance to the order of the court dated 10.4.2013 petitioner no. 3 is paying Rs.1500/- per month to the informant. Statement has been made in paragraph 14 of the petition that the petitioner no. 3 has not performed second marriage.

Considering the present FIR being the second attempt by the informant making accusation under section 498A IPC when petitioner no. 3 is on bail in the earlier case, matrimonial suit being filed at earlier point of time and assertion of petitioner no. 3 that he is making payment of maintenance amount to the informant, let the above named petitioners be released on anticipatory bail 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 Rs. 10,000/- (ten thousand) each with two sureties of the like amount

each to the satisfaction of learned CJM, Gaya in connection with Mahila P.S. Case No. 27 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--