

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41185 of 2015

Arising Out of PS.Case No. -408 Year- 2014 Thana -BARH District- PATNA

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Om Prakash Roy @ Umesh Yadav @ Om Yadav @ Om Prakash Yadav
..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. B.N.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 494 and 323 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. The petitioner has not performed second marriage, statement to that effect has been made in para 10 of the petition. It is further submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 12 of the petition which reads as follows:-

“That petitioner is still ready and willing to keep

the complainant with full dignity honour and respect.”

It is further submitted that the informant earlier filed Pandarak P.S. Case No. 40 of 2014 with accusation under Sections 341, 323, 325 and 379 of the IPC wherein the petitioner has been granted anticipatory bail on his readiness of making payment of ₹2,500/- per month from May, 2015. It is claimed that the petitioner is making the aforesaid payment regularly.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Barh, Patna in connection with Barh P.S. Case No. 408 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The grant of bail to the petitioner will not preclude the informant to resume the conjugal life and if she files any such application before the learned court below then the learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this Court.

It is made clear that once the informant resumes the

conjugal life then the petitioner will be at liberty to file appropriate application for modification of the order dated 02.04.2015 passed in Cr. Misc. No. 33589 of 2014 to the extent of condition of making payment.

(Dinesh Kumar Singh, J)

Amrendra/-

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