

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46866 of 2014

Arising Out of PS.Case No. -1141 Year- 2012 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Vijay Kumar Singh S/o Late Lalan Singh @ Lalan Prasad Singh Resident of
village - Madhey, P.O. Ankorha, P.S. Narai Kala Khurd, District -
Aurangabad, Bihar. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 25-08-2015

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 Sections 498A, 494 and 379 of the Indian Penal Code.

The accusation is of torture and performing second marriage.

The complainant was married with the petitioner forty years ago. The petitioner performed second marriage with one Gajutri Devi about twenty two years ago. The petitioner and the complainant are present.

It is submitted by learned senior counsel for the petitioner that the petitioner has got four rooms in his share and

out of four, two are in possession of the complainant. Moreover, the petitioner has given ten bighas of agricultural land to the complainant and the complainant has two earning children.

Counsel for the complainant submits that, though, Partition Suit No. 267 of 2012 is pending which has been lodged by the son of the complainant Ashok Kumar Singh and the complainant has no objection with regard to the second marriage at this fag end of life, but she wants that she should be allowed to spend rest of her life with dignity and honour.

The learned senior counsel for the petitioner submits that petitioner will take all effort to keep the complainant with dignity.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Aurangabad in connection with Complaint Case No. 1141 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be



accepted by the learned court below on filing affidavit by the petitioner to the effect that he will allow the complainant to reside in the house with dignity and honour. The said affidavit will be transmitted to the concerned police station for information.

The present order will not preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

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