

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47803 of 2015

Arising Out of PS.Case No. -184 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Sanjay Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Akhileshwar Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-10-2015

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, 341, 323, 406, 494 and 511/34 of the Indian Penal Code.

The basic accusation is of torture. The informant further claimed that the petitioner has performed second marriage.

Learned counsel for the petitioner submits that the petitioner has not performed second marriage, statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

“That it is stated and submitted that the deponent has instructed me that the petitioner has not solemnized any second marriage.”

It is further submitted that the petitioner admits his

marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

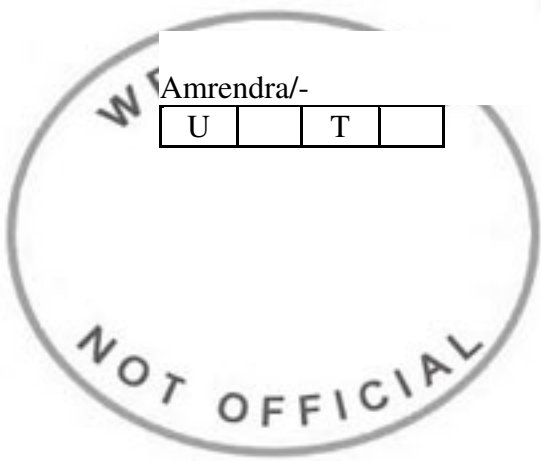
“That the petitioner is the husband of the informant/O.P. No.2 and is ready to keep her with full dignity and honour.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 CJM, East Champaran at Motihari in connection with Paharpur P.S. Case No. 184 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets

reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)