

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19861 of 2015

Arising Out of PS.Case No. -641 Year- 2003 Thana -COMPLAINT CASE District- SUPAUL

Umesh Yadav, son of Ram Narayan Yadav, Resident of village -Jarouli,
P.S- Pipra, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Deoki Devi, w/o- Umesh Yadav, D/o- Ram Kishun Yadav, resident of village- Singhion, P.S- Kishanpur, District-Supaul

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate
For the S t a t e : Mr. Hirday Prasad Singh (APP)
For O.P. No.2 : Mr. Pramod Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 06-10-2015 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of O.P. No.2 as well as the learned counsel for the State.

The petitioner and the O.P. No.2 have appeared in person today.

The petitioner admits his second marriage on account of desertion of O.P. No.2 as he was having difficulty in the upkeep of his daughter, who O.P. No.2 has left behind him. The petitioner submits that his mother is very old and is unable to take care of the baby girl child and due to such constraints of circumstances, he has remarried. He, however, submits that O.P. No.2 being his first wife, he is willing to take her back with all

honour and dignity so that she can lead a harmonious family life along with him and her child.

Considering the *bona fide* offer made by the petitioner and also that O.P. No.2 is willing to go back to her matrimonial home, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Supaul, in connection with Complaint Case No.641C of 2003, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if at all there are any incidences of mental or physical torture being inflicted on O.P. No.2, it shall be open to her to seek appropriate recourse, including moving this Court for modification/cancellation of this order.

(Anjana Mishra, J)

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