

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54851 of 2015

Arising Out of PS.Case No. -320 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Manoj Prasad Gupta@Manoj Kumar Gupta

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 494 of the Indian Penal Code.

The accusation is of torture and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and has not performed second marriage, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the allegation is vague and omnibus, no any specific allegation of torture or demand of dowry against the petitioner. The petitioner assets that he has not solemnized second marriage.”

It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That ...the petitioner is ready to keep his wife with full honour and dignity.”

Learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner but she has apprehension that the petitioner has performed second marriage.

Both sides agree to appear before the learned court below on 15th of January, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 SDJM, West Champaran, Bettiah in connection with Complaint Case No. 320C of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue. The provisional bail of the petitioner will not be confirmed if substantive proof comes that the petitioner has performed second marriage.

(Dinesh Kumar Singh, J)

Amrendra/-

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