

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56958 of 2015

Arising Out of PS.Case No. -1709 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Bipul Kumar Rai son of Lali Rai, Resident of village- Bin Bochha, P.s.-
MOhiuddinnagar, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Poonam Kumar wife of Bipul Kumar Rai, daughter of Dwarika Prasad
Rai @ Doman Rai, Resident of village- Bajitpur Meyari, P.S.- Sarairanjan,
District- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 17-12-2015

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 processes were directed to be issued after cognizance being taken under Sections 498A and 494 of the Indian Penal Code.

The basic accusation is of torture and performance of second marriage.

On instruction it is submitted that the petitioner admits his marriage with the complainant. The petitioner has not performed second marriage. Statement to that effect has been made in paragraph 11 of the petition which reads as follows:

“That the allegations in the complaint petition about alleged second marriage and demand of motorcycle and laptop by the petitioner is concoction with the consultation of legal brain.”

The petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition the relevant portion of which reads as follows:

“That the petitioner is ready to keep the complainant with dignity ”

The petitioner has also filed matrimonial suit for restitution of conjugal rights. Similar was the stand of the petitioner before the learned court below but the complainant failed to appear.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Samastipur in connection with Complaint Case No. 1709 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

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

(Dinesh Kumar Singh, J)

Anil/-

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