

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43235 of 2014

Arising Out of PS.Case No. -560 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Md. Perwez, Son of Md. Bashir, Resident of Village/Mohalla- Madhipur,
I.B. Road, P.S. – Kazi Mohammad, District – Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. Sairun Nisha @ Sariun Nisha, Wife of Md. Perwez (Petitioner),
daughter of Nezamuddin, Resident of Village – Basantpur Patti, P.S.-
Sariya, District – Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Anis Akhtar, Advocate.

For the Opposite Parties : Mr. Umeshanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-05-2015 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 560 of 2011, corresponding to Trial No. 1483 of 2014, registered for the offences punishable under Section 498A and other Sections of the Indian Penal Code.

The petitioner is husband and he is ready to keep his wife. Learned counsel for the complainant submits that the petitioner has already solemnized second marriage even then the complainant is ready to live with her husband provided her husband keeps her properly.

Considering the facts aforesaid, the petitioner above named is directed to surrender in the court below within four

weeks from the date of receipt/production of a copy of this order and the court below shall enlarge the petitioner on provisional bail, after issuing notice to the informant, 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, (East) Muzaffarpur in Complaint Case No. 560 of 2011, corresponding to Trial No. 1483 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and the court below shall make efforts for reconciliation between the husband and the wife. If the dispute is resolved and it is found that the petitioner has not solemnized any second marriage the provisional bail granted to the petitioner shall be confirmed and if the dispute does not resolve and the court below come to conclusion that the petitioner has already solemnized second marriage the prayer for provisional bail of the petitioner shall be disposed of on its own merit.

(Prabhat Kumar Jha, J.)

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