

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22335 of 2015

Arising Out of PS.Case No. -819 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Basisth Rai S/o Suraj Rai Resident of Village Haldi Chapra, P.S. Maner,
District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi D/o Daroga Rai Resident of Village Ushari, P.S. Shahpur,
District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra
For the Opposite Party/s : Mr. Shailendra Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband 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.

It is submitted by learned counsel for the petitioner that the petitioner has not performed second marriage and is ready to keep the complainant as wife with full dignity and honour. Statements to the aforesaid effect have been made in paragraph

nos. 7 and 9 of the petition which reads as follows:

“That the petitioner is husband of the complainant, petitioner is ready to keep his wife but she is not ready with the petitioner.”

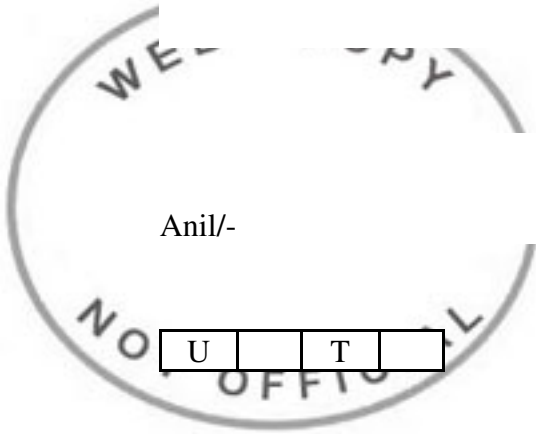
That it is further submitted and stated that the allegation of marriage with the younger sister of the complainant is totally wrong and denied by the petitioner in toto.”

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 ACJM Danapur, Patna in connection with Complaint Case No. 819C 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)