

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21152 of 2015

Arising Out of PS.Case No. -13 Year- 2014 Thana -DHOLBAJJA District- BHAGALPUR

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Pankaj Kumar Mandal

.... Petitioner/s

Versus

1. State of Bihar
2. Bidhata Devi @ Bidhat Devi, wife of Pankaj Kumar Mandal

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323, 324, 307, 406, 498A, 494 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage. It is alleged that the petitioner also made an attempt to push the informant from his vehicle.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and denies the second marriage. A statement to that effect has been made in para 12 of the petition which reads as follows:-

"12. That, the petitioner denies to have contracted

second marriage."

Learned counsel for the petitioner further submits that the petitioner is still ready to keep the informant as wife with full dignity and honour.

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Naugachia, Bhagalpur in connection with Dholbajja P.S. Case No.13 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 informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

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 informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

But the provisional bail of the petitioner will not be

confirmed by the learned court below, if substantial proof comes that petitioner has performed second marriage.

Ashwini/-

(Dinesh Kumar Singh, J)

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