

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29325 of 2015

Arising Out of PS.Case No. -93 Year- 2015 Thana -SHASTRINAGAR District- PATNA

1. Kundan Kumar Upadhaya @ Kundan Upadhyay S/o Sri Jagat Narayan Upadhay R/o Village Rakasiya, P.S. Agrer, District Rohtas (Sasaram). At present C/o Vijay Kumar Bhagat, Brahmsthan Gali, Sheikhpura, P.S. Shastri Nagar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 12 of the petition. Supplementary affidavit has been filed that the petitioner has not performed second marriage. Statement to that effect has been filed in para-2 of the petition.



It is submitted by the learned counsel for the informant that the informant is ready to accept the offer of the petitioner, but the petitioner has performed second marriage. She is apprehensive due to the second marriage performed by the petitioner.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Shastri Nagar P.S. Case No. 93 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

Let the learned court below conduct a preliminary enquiry and if it is found that the petitioner has not performed second marriage, then the provisional bail of the petitioner will be confirmed and it will be open for the informant to resume the conjugal life. But if it is

found that the petitioner has performed second marriage, then the petitioner shall surrender before the learned court below and pray for regular bail.

(Dinesh Kumar Singh, J)

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