

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45959 of 2015

Arising Out of PS.Case No. -911 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Rajesh Kumar Thakur, son of Late Vijay Kant Thakur, resident of
village- Sabda, P.S. Falka, District- Katihar,

.... Petitioner/s

Versus

1. The State of Bihar
2. Bimla Devi, D/o- Late Ramadhar Thakur, At present resident of Badhwa
Verma Colony, P.S.- Mirganj, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Arvind Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-09-2015 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 process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 494 of the Indian Penal Code.

The accusation is of torture and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner has not performed second marriage, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That, the petitioner denies all the allegation alleged by the opposite party no.2 with regard to demand of dowry any type torturing or remarriage with another lady.”

It is further submitted that the petitioner has filed Matrimonial Case No. 500 of 2013 for restitution of conjugal life and is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner being the husband he is always ready to keep opposite party no.2 with full honour and dignity.”

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 SDJM, Purnea in connection with C. A. Case No. 911 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Amrendra/-

(Dinesh Kumar Singh, J)

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