

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47345 of 2015

Arising Out of PS.Case No. -398 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Bishundeo Mukhiya

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Pushpa Sinha 2 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-10-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the complainant has performed second marriage with one Lalu Mukhiya son of Kameshwar Mukhiya, statement to that effect has been made in para 12 of the petitioner which reads as follows:-

“That it is asserted here that complainant had solemnized another marriage with one Lalu Mukhiya, son of Kameshwar Mukhiya of village-Fatlaha, P.S. –Bahera, District-Darbhanga on 18.05.2014.”

A certificate to that effect has also been issued by the

Surpanch of the Gram Panchayat, the same has been brought on record as Annexure-2.

Considering the nature of accusation, let the above named petitioner be released on provisional anticipatory bail for six months 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, Darbhanga in connection with C.R. No. 398 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 for her appearance. On her appearance, if she admits that she has performed second marriage then the provisional bail of the petitioner will be confirmed by learned court below.

The provisional bail of the petitioner will also be confirmed by learned court below if the complainant fails to appear.

(Dinesh Kumar Singh, J)

Amrendra/-

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