

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23108 of 2015

Arising Out of PS.Case No. -66 Year- 2014 Thana -MARANCHI District- PATNA

=====

Jivan Jyoti @ Jivan Jyoti Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Arvind Kr.Panday(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-07-2015

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 498A and 494/34 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioner that statements have been made in paragraph nos. 4 and 5 of the supplementary affidavit that petitioner has not performed second marriage and he is ready to keep the informant as wife with full dignity and honour, which reads as follows:-

“4.That it is humbly submitted here that the petitioner has not done second marriage with any lady and petitioner has only legally wedded wife i.e.

informant of the case.

5. That the petitioner is always ready to keep his wife and children with honour and dignity”

Learned counsel for the informant, on instruction, submits that though the informant is ready to accept the offer of the petitioner but she is apprehensive that the petitioner has performed second marriage.

Both sides agree to appear before the learned court below on 10th of August, 2015 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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, Barh in connection with Maranchi (Panchmahala) Case No. 66 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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.

Provisional bail of the petitioner will not be confirmed if substantive proof comes that petitioner has performed second marriage and in that circumstance, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--