

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53835 of 2015

Arising Out of PS.Case No. -61 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Bikau Mahto Son of Late Rajdeo Mahto, Resident of village- Bela, P.S.-
Chhauradano, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nirmala Devi, Wife of Bikau Mahto, D/o Langtu Mahto Resident of
Village- Naraul P.S.- Chhauradano, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 26-11-2015

Heard learned counsels for the petitioner and the
State.

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

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant and the complainant has performed marriage with one

Bhuneshwar Rai. Though, petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:-

“That the petitioner is ready to keep her as his wife with full honour and dignity which requires to be considered by this Hon’ble Court..”

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail provisionally for six 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, Raxaul at Motihari, East Champaran in connection with Complaint Case No. 61 of 2011/Trial No. 600 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 complainant 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 the learned court below if complainant admits that she has performed marriage with another person or she is ready to

reside with the petitioner or she fails to appear before the learned court below.

(Dinesh Kumar Singh, J)

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