

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31960 of 2015

Arising Out of PS.Case No. -987 Year- 2012 Thana -COMPLAINT CASE District- SUPAUL

Vivek Kumar Sinha

.... Petitioner/s

Versus

1. State of Bihar,
2. Nisha Kumari

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Rajendra Pd.Nat(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 03-05-2016 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case filed with accusation under Sections 498A and 494 of the Indian Penal Code.

The basic accusation is of torture and performance of second marriage.

The petitioner admits his marriage with the complainant. It is submitted that the petitioner has not performed second marriage and he is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 2 to the supplementary affidavit which reads as follows:

“That petitioner has not solemnized second marriage

as alleged in the complaint petition and he is ready to keep Opposite Party No. 2 (wife) with him with full dignity and honour.”

Though the petitioner is present but for the appearance of the complainant the matter was adjourned for last few occasions. Today also, the complainant is not present. The learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive of the petitioner having performed second marriage. Both petitioner and the complainant agree to appear before the learned court below on 2.6.2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Supaul in connection with Complaint Case No. 987C of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be

confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue but the provisional bail will not be confirmed if the complainant produces substantial proof with regard to the second marriage performed by the petitioner and in that eventuality the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Anil/-

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