

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25078 of 2016

Arising Out of Complaint Case No. -2512 Year- 2015 Thana -PATNA COMPLAINT CASE
District- PATNA

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Radhe Khandelwal @ Radhe Shyam Khandelwal, son of Sri Anandi Lal
Khandelwal

..... Petitioner/s

Versus

1. The State of Bihar.

2. Urmila Devi, wife of Radhe Khandelwal @ Radhe Shyam Khandelwal
and daughter of Ram Gopal Agrawal,

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-06-2016 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. In fact, the petitioner has performed second marriage with the complainant after the death of his first wife

and the death of the first husband of the complainant, who has children from before. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

"....He is still ready to keep his wife with love, affection and dignity."

Considering the present stand of the petitioner, 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 Judicial Magistrate, Patna, in connection with Complaint Case No.2512 C/2015, 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.

(Dinesh Kumar Singh, J)

Ashwini/-

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