

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5227 of 2016

Arising Out of PS.Case No. -2 Year- 2013 Thana -MAHILA P.S District- SUPAUL

Subhash Yadav, son of late Domi Yadav

.... Petitioner/s

Versus

1. State of Bihar
2. Asha Devi, wife of Shri Subhash Yadav

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Dasrath Mehta (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-02-2016

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/494/506/34 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and has not performed second marriage. A statement to that effect has been made in paragraph 3 of the supplementary affidavit, which reads as follows :-

"3. That this statement is not true, petitioner is denying it. It is stated and submitted that the informant of the

present case Asha Devi is his only legal wife. It is again stated here that Smt. Asha Devi is only legal wife of petitioner."

Learned counsel for the petitioner further submits that the petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"9. That the petitioner is ready and willing to keep his wife with full honour and dignity but the informant/opposite party no.2 is in the habit of residing in her Maikie."

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Supaul in connection with Supaul (Mahila) P.S. Case No.2/2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant 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 informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ashwini/-

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