

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5847 of 2016

Arising Out of PS.Case No. -233 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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1. Gautam Kumar Yadav, Son of Hareram Yadav, resident of Village-
Madhuban Tola, P.O- Amrpali, P.S.- Pirpaity, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Binda Devi wife of Gautam Kumar Yadav, resident of Village-
Madhuba Tola, P.O- Amrpali, P.S.- Pirpaity District- Bhagalpur, At
present resident of Village- Gangipul Glass Factory, Ara, P.S.- Ara
Nagar, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 24-10-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 498A, 494, 504/34 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 petitioner admits his marriage with the informant but since the informant deserted the petitioner, hence he performed second marriage.

The petitioner and the informant are present in the Court.

Today a joint compromise petition has been filed to the effect that informant is ready to reside either at Ara

or native matrimonial place at Bhagalpur. The petitioner agrees to maintain the informant and will give proper share in the properties. If the petitioner will fail to maintain the informant then informant will be entitled to take half share of the immovable properties and half salary of the petitioner. In the circumstance, the informant/O.P. No. 2 is not opposing the prayer for bail of the petitioner.

Considering the fact that since the informant has reconciled the issue with the petitioner and is not opposing the prayer for bail of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No. 233 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The informant will be at liberty to file an application for cancellation of bail of the petitioner if the petitioner fails to comply the terms of the agreement as stipulated in the joint compromise petition.

(Dinesh Kumar Singh, J)

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