

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11198 of 2016

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1. Madan Sah Son of Chain Sah, Resident of Village- Tikaita, P.S.-
Turkaulia, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kaushalya Devi, Wife of Sri Madan Sah and Daughter of Late Badri Sah,
Resident of Village- Rulahi Sataisa, P.S.- Motihari Muffasil, District- East
Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 30-03-2016

Heard learned counsel for the parties.

The present application has been filed for
modification of the order dated 4.1.2016 passed in Cr. Misc. No.
58471 of 2015 to the extent that the whole order should be revised
on merits.

The petitioner being husband of the complainant was
granted provisional anticipatory bail in a complaint case wherein
process was directed to be issued after cognizance being taken for
the offences punishable under sections 498A and 323 IPC and
sections 3 of the Dowry Prohibition Act on readiness to keep the
complainant with dignity and honour. The provisional bail was to
be confirmed (i) if the matrimonial harmony is substantially

restored, (ii) if the complainant fails to appear before the learned court below and (iii) if the complainant gets reluctant to reconcile the issue but the provisional bail was not to be confirmed if substantial proof comes that the petitioner has performed second marriage.

Now, it is claimed that petitioner performed second marriage long ago and has children and grand children out of the second marriage.

In the circumstances, the order dated 4.1.2016 passed in Cr. Misc. No. 58471 of 2015 is hereby rescinded.

Let the learned court below consider the prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with Complaint Case No. 271 of 2014 pending in the court of the learned SDJM, Motihari, East Champaran.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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