

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25115 of 2016

Arising Out of PS.Case No. -27 Year- 2015 Thana -MAHILA PS District- JEHANABAD

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1. Durgesh Kumar @ Durgesh Das Son of Hitlal Das Resident of Village-
Bhadasi PS+District- Arwal,.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Amrendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-11-2016

The petitioner being husband of the daughter of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 498A/34 of the Indian Penal Code.

The basic accusation is of torture and making assault to the daughter of the informant.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the daughter of the informant but subsequently the daughter of the informant performed second marriage with one Pradeshi Das. The marriage certificate has been issued to that effect by Baba Madheshwar Nath Madhushrawa Shiv Mandir as contained in annexure-2.

The notices were issued to the daughter of the informant vide order dated 20.06.2016. Since the daughter of the informant has been found not available, hence ordinary process of notice has been effected through house service, as a

result, vide order dated 29.09.2016, the notices issued to the daughter of the informant has been treated as deemed valid service. None is appearing for daughter of the informant/O.P. No. 2 even today.

Considering the fact that daughter of the informant/O.P. No. 2 chose not to appear in spite of valid service of notice, 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 provisional anticipatory bail for six months 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, Arwal in connection with Arwal Mahila P.S. Case No. 27 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the daughter of the informant for her appearance. The provisional bail of the petitioner will be confirmed in three eventualities (i) if the daughter of the informant denies the factum of second marriage and gets ready to resume the conjugal life (ii) if the daughter of the informant fails to appear before learned Court below (iii) if substantial proof comes that daughter of the informant has performed second marriage.

(Dinesh Kumar Singh, J)

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