

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10303 of 2016

Arising Out of PS.Case No. -39 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Akhilesh Pal son of Ramdeo Pal resident of Village - Padrawan, P.S. -
Madanpur, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Savita Devi daughter of Akhilesh Pal resident of Fekan Pal resident of
Jamrodih, P.S. - Dinara, District - Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

4 22-08-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 406, 420, 498A/34 of the Indian Penal Code.

The prosecution case is that the complainant got married with the petitioner and when she came to matrimonial house she was being informed that petitioner has earlier killed his two wives.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the

complainant. The petitioner was earlier married with one, but her wife died natural death and thereafter he was married to the complainant, it is the complainant who has performed second marriage.

The notices was issued to opposite party no. 2 vide order dated 01.03.2016. The office note dated 15.07.2016 reflects that ordinary process of notice has been received by learned counsel appearing before the learned court below for opposite party no. 2. In the circumstances, notices issued to opposite party no. 2 treated to be a deemed valid service.

None is appearing on behalf of opposite party no. 2.

It is submitted by the learned counsel for the petitioner that petitioner is still ready to keep the complainant as wife with due dignity and honour. Statement to that effect has been made in para-22 of the petition which reads as follows:-

“That the petitioner is still ready to keep the complainant with all dignity and prestige.”

Considering the present stand of the petitioner, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of

the like amount each to the satisfaction of learned Sri Rajesh Kumar Tripathi, J.M., Ist Class-cum-III Munsif, Bikramganj (Rohtas) in connection with Complaint Case No. 39 of 2014, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail will not preclude the complaint to resume the conjugal life. If she files such application before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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