

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12149 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -MAHILA PS District- JEHANABAD

1. Bipul Kumar S/o Vijay Sharma R/o village - Jaitpur, P.S. Okan, Distt. -
Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-08-2016

Though the matter has been listed under the heading “For Office Note” awaiting the service report of the notices issued to O.P. No. 2 but since Mr. Sushil Kumar Singh has entered appearance on behalf of O.P. No.2, the matter is being taken up on merits.

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494/34 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 and the second marriage was performed about ten years prior to the lodging of the present case since there was no

issue from the informant. However, the petitioner is ready to keep the informant with dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“The petitioner always ready to keep his first wife with full love and affection”

It is submitted by learned counsel for the informant that in spite of the fact that petitioner has performed second marriage the informant is ready to resume the conjugal life as she is staying in the matrimonial house but the informant is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before learned Court below on 12th of August, 2016, when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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, Jehanabad in connection with Jehanabad(Mahila) P.S. Case No. 82 of 2015.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

But the provisional bail of the petitioner will also not be confirmed if the informant complains that she is not being maintained properly by the petitioner.

Shageer/-

(Dinesh Kumar Singh, J)

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