

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16476 of 2016

Arising Out of PS.Case No. -1390 Year- 2014 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

- =====
1. Bijay Kumar @ Bauwa Yadav Son of Sadanand Yadav
 2. Priyanka Kumari Wife of Vijay Kumar @ Bauwa Yadav
- Both are Resident of Village- Bhasti, Police Station- Sonbarsha
(Kashnagar O.P.), District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari Wife of Vinay Kumar @ Bauwa Yadav Resident of
Village- Bhasti, Police Station- Sonbarsha (Kashnagar O.P.), District-
Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

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

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

04/ 06-09-2016

Heard learned counsels for the petitioners and
the State.

Petitioner no.1 being the husband of the
complainant and petitioner no. 2 being the second wife of
petitioner no. 1 are apprehending their arrest in a complaint case
wherein process has been directed to be issued after cognizance
being taken for the offences punishable under Section 498A of the
Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the

petitioners that the petitioner no. 1 admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That it is submitted that the petitioner is still ready to keep the complainant with full dignity and honour, if she desire so, but from perusal of the complaint it is apparent that she is no more interested the association of this petitioner rather her only intention to harass and extort money from the petitioner and his family.”

Counsel for the complainant submits that the complainant in spite of the fact that the petitioner no. 1 has performed second marriage is not opposing the prayer for bail and is ready to resume the conjugal life. Though, she is apprehensive due to the past conduct of the petitioner no. 1.

Both sides agree to appear before the learned court below on 19th of September, 2016 when the petitioner no. 1 will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of petitioner no. 1 and the complainant, let the above named petitioner no. 1 be released on provisional anticipatory bail for six months 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 Judicial Magistrate, Ist Class, Saharsa in connection with Complaint Case No. 1390 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of petitioner no. 1 will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant to appear before the learned court.

Considering the present stand of petitioner no. 1, let the above named petitioner no. 2 be released on anticipatory bail in the event of her 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 Judicial Magistrate, Ist Class, Saharsa in connection with Complaint Case No. 1390 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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