

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22898 of 2016

Arising Out of PS.Case No. -119 Year- 2014 Thana -PATEPUR District- VAISHALI(HAJIPUR)

=====

Akhilesh Kumar, son of Bhola Ram

.... Petitioner/s

Versus

1. The State of Bihar
2. Nutan Kumari, wife of Akhilesh Kumar, daughter of Yogendra Baitha

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-05-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 506/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That at the very outset stated here that the petitioner is ready to keep and maintain his wife with full dignity and respect”

It is further submitted that after filing of the present case the informant has filed a petition before the Officer-in-charge of Patepur Police Station to the effect that

both the petitioner and the informant are residing together. A statement to that effect has been made in para 8 of the petition. It is also submitted that petitioner has filed Matrimonial Suit No. 124 of 2013 with a prayer for divorce but the same has been dismissed as not pressed. The petitioner has not performed second marriage. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That it is categorically stated

here that petitioner has not got second marriage with any other lady.”

Considering the present stand of the petitioner, 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, Vaishali at Hajipur in connection with Patepur P.S. Case No. 119 of 2014.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

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.

Shageer/-

U		T	
---	--	---	--

(Dinesh Kumar Singh, J)