

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24512 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

Yamuna Yadav

.... Petitioner/s

Versus

1. State of Bihar,
2. Anita Devi

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offence punishable under Sections 341,323,379,504 and 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

It appears from the impugned order that the informant was noticed by the learned court below but the petitioner was not ready to settle the matrimonial dispute with the informant but now on instructions, it is submitted that the petitioner admits his marriage with the informant and has not performed second marriage. The petitioner is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 10 of the petition which reads as

follows:

“That the petitioner is ready to keep his wife with full dignity and honour. He never got second marriage and he never any injury sustained to his wife. ”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Gaya in connection with Mufassil P.S. Case No. 92 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and on her appearance the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue but if the substantial proof comes that the petitioner has performed

second marriage then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Anil/-

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