

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41640 of 2015

Arising Out of PS.Case No. -3434 Year- 2011 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Upendra Ray Son of Damodar Roy resident of village Kachahari,
Kadawa, P.S. Nawgachia, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi, Wife of Upendra Roy, Son of Narsingh Roy, resident of
village Nandgola, P.S. Tikkapatti, District Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi (App)

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

ORAL ORDER

5 28-04-2016 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, 494, 498A/34 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage by the petitioner.

Notices were issued to the complainant vide order dated 02.09.2015 both by ordinary post as well as registered cover with A/D. Ordinary process of notices have been served upon complainant through her lawyer appearing before the learned court below, but in spite of that non appeared on

behalf of complainant. This Court vide order dated 11.01.2016 adjourned the matter for 25th February, 2016 due to none appearance of complainant, but again non appeared when fresh notices were issued to the complainant/O.P. No. 2. The service report at Flag-B reflects that notices were received by complainant, but none is appearing on her behalf.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant about 10 years prior to the lodging of the present case, but since the complainant deserted the petitioner hence, the petitioner performed second marriage.

Considering the submission of learned counsel for the petitioner, it is a case for consideration of prayer for regular bail, let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 3434 of 2011, pending in the court of learned Sub-Divisional Judicial Magistrate, Purnea.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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