

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46914 of 2015

Arising Out of Complaint Case No.. -137 Year- 2015 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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Mithilesh Mandal Son of Laxman Mandal @ Bouni Mandal

.... Petitioner/s

Versus

1. The State of Bihar

2. Rena Devi W/o Mithlesh Mandal, D/o Lalan Mandal,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 21-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 494, 506, 403/34 of the Indian Penal Code.

Basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and the petitioner has not performed second marriage, statement to that effect has been made in para 15 of the petition which reads as follows :-

"That there is allegation of solemnization of second

marriage but the petitioner submits that he had not solemnized the second marriage."

Learned counsel for the petitioner further submits that the petitioner has filed Matrimonial Suit No.32/2015 for restitution of conjugal life and is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 16 of the petition , which reads as follows:-

"That the petitioner submits that he is ready to keep the complainant as a wife with full dignity and honour"

It appears that this Court vide order dated 05.10.2015 issued notices to opposite party no.2, who is appearing through learned advocate Bhola Kumar. But on 04.03.2016 none appeared on behalf of opposite party no.2 today also none is appearing on behalf of her.

It is further submitted by learned counsel for the petitioner that the complainant has performed second marriage.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class,

Madhepura, in connection with Complaint Case No.137/2015,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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