

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39956 of 2016**

Arising Out of PS.Case No. -26325 Year- 2014 Thana -PATNA COMPLAINT CASE District-  
PATNA

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1. JAGDISH GORAIN S/o Kartik Chandra Gorai Resident of Village-  
Khaira, Post-Gariya, PS-Bindapather, District-Jamtara

.... .... Petitioner/s

Versus

1. State of Bihar  
2. Smt. Meera Devi W/o of Sri Jagdish Gorain, D/o Shri Ram Bachan  
Prasad At Present Residing at Mithapur agricultural Farm, PS-Jakkanpur,  
District-Patna

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shashi Shekhar Kumar Prasad  
For the Opposite Party/s : Mr. Pramod Kumar Pandey

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

2      19-09-2016                      Heard learned counsels for the petitioner and the  
  
State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture though the accusation was levelled in the complaint that the petitioner has performed second marriage also.

It appears that initially the petitioner eloped with

the complainant leading to registration of Jakkanpur P.S. Case No. 13 of 2010 under section 366A IPC but on the statement of the complainant that she has performed marriage with the petitioner of her own, the petitioner was granted bail.

It is submitted by learned counsel for the petitioner that the petitioner has no connection with Mala Devi. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:

“That it would be relevant to state here that allegation relating to that petitioner has affair with one girl namely Mala Devi is also false which petitioner specifically denies.”

The petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

“That it is humbly submitted that petitioner has always kept complainant with full dignity and honour, despite this, Opposite party no. 2 left her matrimonial home because of her short tempered nature and it would be totally wrong to say that accused persons including



petitioner have thrown her from her matrimonial home. ”

Similar was the stand of the petitioner before the learned court below but subsequently the petitioner failed to appear before the learned court below.

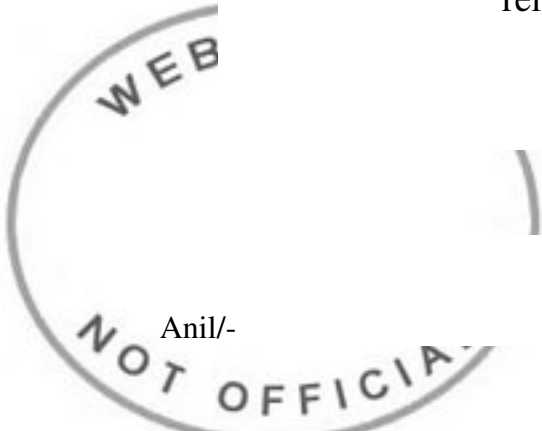
Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Patna in connection with Complaint Case No. 26325 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant 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 complainant fails to appear before the learned



court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.



Anil/-

**(Dinesh Kumar Singh, J)**

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