

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47848 of 2015

Arising Out of PS.Case No. -1017 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Bijendra Kumar Gupta @ Munna Son of Shyam Sunder Gupta Resident
of Village - Kalyanpur, Ward No. 4, P.S. Kalyanpur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khusbu Devi Wife of Bijendra Kumar Gupta Resident of Village -
Kalyanpur, Ward No. 4, P.S. Kalyanpur, District - Samastipur at present
Khusbu Devi, D/o Suresh Prasad Gupta, Resident of Village - Lohapatti,
Pathiya Road, Ward No. 8, P.S. and District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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

ORAL ORDER

6 08-08-2016 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 494 and 498A of the Indian Penal Code.

The basis accusation is of torture and performance of second marriage.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant as well as performance of second marriage. But,

it is also contended that complainant has also performed second marriage.

It is submitted by the learned counsel for the complainant that complainant denies the factum of her second marriage and since it is admitted case of the petitioner that he has performed second marriage hence, she does not want to resume the conjugal life.

Considering the fact that in the present proceeding the dispute with regard to second marriage of the complainant cannot be sorted out, 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. C1-1017 of 2014, pending in the court of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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