

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38792 of 2015

Arising Out of PS.Case No. -538 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Shyam Sundar Rai, S/o Sri Ram Chandra Rai, resident of village- Jalalpur,
Bhichha, Police Station- Pupri, District- Sitamarhi

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Chand Yadav, Advocate

For the Opposite Party/s : Mr. J.N. Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

6 21-07-2016 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 498A, 494/34 and 323 of the Indian Penal Code.

The basic 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 and birth of a female child, but at the same time he admits performance of second marriage, since the complainant herself deserted the petitioner. Moreover, it is further submitted that the complainant has also performed

second marriage. The certificate to that effect has been brought on record, issued by the Panchayat representatives. The female child is residing with the petitioner.

It is submitted by the learned counsel for the complainant that the complainant has not performed second marriage. Since, the petitioner has performed second marriage she is unable to resume the conjugal life.

Considering the fact that without dissolution of marriage between petitioner and the complainant petitioner performed second marriage which itself amounts to torture, 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. 538 of 2013, pending in the court of learned Sub-Divisional Judicial Magistrate, Sitamarhi.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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