

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43631 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

1. Suman Mahto Son fo Teju Mahto Resident of Village- Dariyapur,PS.
Kudhani District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and is ready to keep her with full dignity and honour. Statement to that effect has been made in paragraph 12 of the petition which reads as follows:

“That it is stated that petitioner is ready to keep his wife with full honour and dignity.”

A supplementary affidavit has been filed on behalf of the petitioner to the effect that the petitioner has not performed

second marriage which reads as follows:

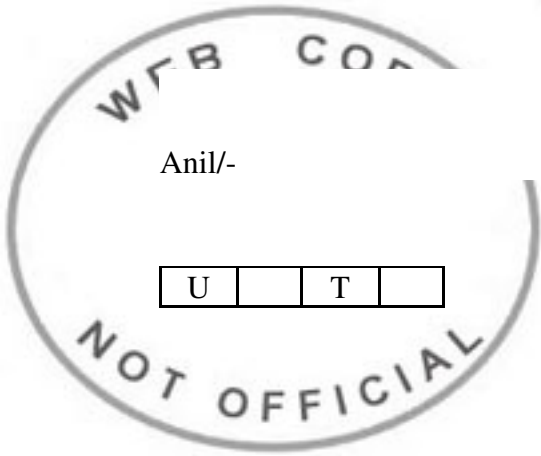
“That it is pertinent to state here that the petitioner has not solemnized his 2nd second marriage with any girl/woman except Maya Kumari Daughter of Hari Shankar Mahto, who is informant of this case.”

It is further submitted that the petitioner took similar stand before the learned court below but the informant refused to accept the offer of the petitioner.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for three 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 SDJM, West Muzaffarpur in connection with Mahila P.S. Case No.34 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below get a preliminary enquiry conducted with regard to performance of second marriage by the petitioner and if it is prima facie found that the petitioner has not performed second marriage then the provisional anticipatory bail will be confirmed but if the substantial proof comes that the petitioner has performed second marriage then in

that eventuality the petitioner will surrender and pray for bail.



Anil/-

(Dinesh Kumar Singh, J)