

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55174 of 2015

Arising Out of PS.Case No. -85 Year- 2015 Thana -BABUBARHI District- MADHUBANI

1. Devan Bhagat, son of Sri Kameshwar Bhagat, Resident of village-
Baruar, P.S.- Babloo Barhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi, wife of Devan Bhagat, D/o Sri Rajdeo Raut, Resident of
Village- Marar, P.S.- Marar, District- Sirha (Nepal). Presently C/o Devan
Bhagat, S/o Late Manak Raut, R/o Village- Dulipatti, P.S.- Jaynagar,
District- Madhubani.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Bilash Roy Raman, Advocate

For the Opposite Party/s : Mr. U.L.Verma (App)

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

ORAL ORDER

6 12-07-2016 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner being the husband of the informant
is apprehending his arrest in a case registered for the offences
punishable under Sections 498A, 494, 341, 323, 317, 420/34
of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-
fulfillment of dowry demand and performing second
marriage.

It is submitted by the learned counsel for the
petitioner that petitioner admits his marriage with the
informant and birth of female child and he is ready to
keep the informant and his daughter as wife with full

dignity and honour. Statement to that effect has been made in para-6 of the petition which reads as follows:-

“That the petitioner is doing majduri and only son of his parent and after birth of Kanchan Kumari daughter, the informant remained ill and she herself arranged and solemnized second marriage of her husband/petitioner and the petitioner is keeping his wives with love and affection and still ready to keep his wife the informant with love and affection.”

Learned counsel for the informant submits that though the petitioner has performed second marriage but she is ready to resume the conjugal life.

Both the petitioner and informant agree to appear before the learned court below on 25th of July, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Baboo Barhi P.S. Case No. 85 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within six months by the learned court below

in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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