

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39729 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Arbind Prasad @ Arbind Paswan S/o Krishna Paswan@Suresh Paswan
R/o Musapur, PS Kebati (OP), Barbiga, District Sekhpura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari W/o Arbind Prasad@Arbind Paswan, D/o Arbind Paswan
R/o Chhabilapur PS Biharsharif, Distt Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-09-2016 Heard learned counsel for the petitioner and 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, 504, 323/34 of the Indian Penal Code.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 13 of the petition which reads as

follows:-

“That the petitioner is ready to keep the informant with all love & Care subject to condition that she must live at his house.”

In paragraph-2 of the supplementary affidavit it has been submitted that petitioner has not performed second marriage.

Considering the above statement made in the supplementary affidavit, 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, Nalanda at Bihar Sharif in connection with Mahila P.S. Case No. 129 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant on her appearance the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed within one year 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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