

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41237 of 2016**

Arising Out of PS.Case No. -106 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-  
SITAMARHI

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Kamal Paswan Son of Gajendra Paswan, Resident of Village- Ramnagra  
Chaki Tola, P.S. Majorganj, Suppi, O/P, District- Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Sukanti Devi, Wife of Kamal Paswan, D/o Rajendra Paswan, Resident of  
Village- Ramnagra Chaki Tola, P.S. Majorganj, Suppi O/P, District-  
Sitamarhi, presently residing at Village- Khirwa, P.S. Riga, District-  
Sitamarhi.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

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

2      21-09-2016                      Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 9 of the petition which reads as follows:-

“That still the petitioner is ready to keep his wife

with full dignity and honour.”

It is further submitted that the petitioner has not performed second marriage, though statement to that effect has not been made in the petition. Though, accusation of performing second marriage has not been levelled in the complaint petition but it was submitted by the complainant that this issue was raised for the first time at the stage of hearing of the anticipatory bail application of the petitioner before the learned court below which gets reflected from the impugned order.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sadar, Sitamarhi in connection with Complaint Case No. C-1/106 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance when the petitioner will take the complainant to her matrimonial house to keep her as wife with full

dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

The provisional bail of the petitioner will not be confirmed if any substantive proof comes that he has performed second marriage and in that event the petitioner will surrender and pray for regular bail.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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