

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58470 of 2015

Arising Out of PS.Case No. -798 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Dawarika Pandit

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Satyendra Pd (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-01-2016

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 being taken for the offences punishable under Sections 494 and 498A of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner has not performed second marriage and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 3 of the supplementary affidavit which reads as follows:-

“That it is humbly stated that petitioner is husband

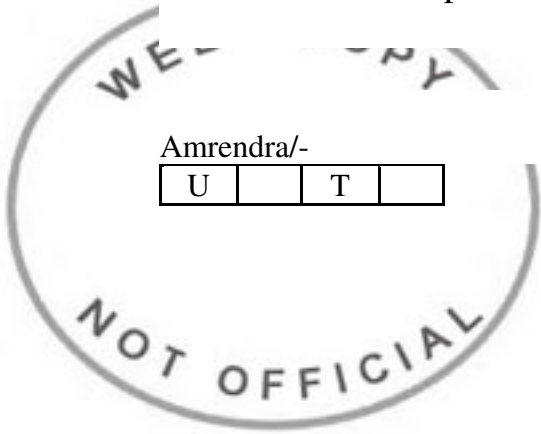
of the complainant and there is no second marriage and he is ready to keep her with full respect, honour and dignity, hence allegation against the second marriage is not correct and petitioner denied.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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, Saran at Chapra in connection with Complaint Case No. 798 of 2014, 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. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue. The provisional bail of the

petitioner will not be confirmed if substantive proof comes that the
petitioner has performed second marriage.



Amrendra/-

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(Dinesh Kumar Singh, J)