

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25852 of 2016

Arising Out of PS.Case No. -48 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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1. Chandan Kamat son of Panchu Kamat resident of Village : - Laufa, P.S.:
- Lakhnaur, District : - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandra Kala Devi w/o Jhoti Kamat resident of Village : - Vittho, P.S.: -
Pandaoul, District : - Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 21-11-2016 Paragraph-2 of the order dated 08.08.2016 is modified to the extent that it should be read as husband of the daughter of the informant instead of husband of the informant.

Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the daughter of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 379, 406, 498A, 504 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of a female child. The petitioner is a disable person, though he is still ready to keep the daughter of

the informant as wife with full dignity and honour. Statement to that effect has been made in para- 12 of the petition which reads as follows:-

“That it is not out of place to mention herein that petitioner is the husband of the daughter of the informant and he is ready to keep his wife with great care and dignity.”

However, the petitioner has performed second marriage.

Learned counsel for the informant Mr. Gopal Jha, submits that though the petitioner has performed second marriage, even then the daughter of the informant is ready to resume the conjugal life with the petitioner and not opposing the prayer for bail at present. However, she is apprehensive due to past conduct of the petitioner.

Keeping in view of the present stand of the parties and in order to save the daughter of the informant from destitution and vagrancy, let the above named petitioner be released on anticipatory bail 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 Sub-Divisional Judicial Magistrate, Madhubani in connection with Mahila P.S. Case No. 48 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The daughter of the informant will be at liberty to file an application for cancellation of bail of the petitioner, if the petitioner fails to comply the undertaking as stipulated in paragraph-12 of the petition as quoted above.

(Dinesh Kumar Singh, J)

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