

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37608 of 2016

Arising Out of PS.Case No. -238 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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1. Arun Kumar Son of Late Ram Chandra Paswan, resident of Village-
Mera, Chak Ara, Police Station- Nagar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offence punishable under Sections 498A,379,494 and 504/34 of the Indian Penal Code.

The basic accusation is of torture after nineteen years of marriage and performance of second marriage.

On instructions, it is submitted that the petitioner admits his marriage with the informant and birth of five children and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 13 of the petition which reads as follows:

“ That the petitioner is ready to keep the informant and

children.”

From the impugned order it appears that the matter was reconciled but the informant was driven out from the matrimonial house when the informant claimed that the petitioner has performed second marriage. It is further submitted that the petitioner has filed Matrimonial Case No. 120 of 2015 for restitution of conjugal rights and has not performed second marriage though statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Bhojpur at Ara in connection with Mahila P.S. Case No. 238 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 informant and 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 by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue but the provisional bail of the petitioner will not be confirmed if the substantial proof comes that the petitioner has performed second marriage and in that event the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Anil/-

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