

Arising from the above, the following questions arise:

1. Ram Kumbhar

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2. Parv

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1. Ram Mukhiya S/o Soman Mukhiya, Resident of village- Dudhela, P.S.-
Kunauli, District- Supaul

Versus

1. The State of Bihar
2. Parwati Devi, W/o- Ram Mukhiya, D/o- Devilal Mukhiya, resident of village- Garhiya, P.s. Bhaptiyahi, District- Supaul

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha
For the Opposite Party/s : Mr. Tarun Pd.Mandal(App)

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code.

The petitioner and the complainant are present before this Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of two children but since the complainant deserted the petitioner, hence the petitioner has performed second marriage and has a child from the second marriage also. The petitioner is ready to keep the complainant

as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That, the petitioner is ready to keep the wife(complainant) and children with full respect and dignity.”

It is submitted by learned counsel for the complainant that in spite of the fact that petitioner has performed second marriage the complainant is ready to resume the conjugal life.

In the circumstance, the complainant is not opposing the prayer for bail of the petitioner.

Both sides agree to appear before learned Court below on 19th of September, 2016, when the petitioner will take the complainant and the children to keep them with full dignity and honour.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Supaul in connection with Complaint Case No. 4C of 2015.

The provisional anticipatory bail of the

petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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