

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19824 of 2016

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1. Raju Prasad Chaurasia @ Raju Kumar Son of Harendra Prasad Chaurasia, Resident of Village - Kotwa Bajpayee Tola, P.S. S. Paharpur, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guriya Devi, Wife of Sri Raju Prasad Chaurasia and Daughter of Late Bishwanath Bhagat, Resident of Village - Hindu Chakia, P.S. - Chakia, District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-05-2016

The present application has been filed for modification of order dated 14.12.2015 passed in Cr. Misc. No. 56541 of 2015 to the extent that in paragraphs- 11 and 12 of the main petition, it has wrongly been stated that petitioner is ready to keep the complainant as wife and has not performed second marriage. Paragraphs- 11 and 12 of the main petition which reads as follows:-

“11”. That, be that as it may, the petitioner has no grievance against his wife, and he, however, undertakes before the Hon’ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security.

“12.” That the petitioner has not solemnized second marriage.”

From the above submission, the petitioner was granted provisional anticipatory bail which was to be confirmed

by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

Now, it is submitted that both the statement has been made on wrong instruction. The petitioner has performed second marriage and is not ready to keep the informant as wife.

In view of the above submission the order dated 14.12.2015 passed in Cr. Misc. No. 56541 of 2015 is hereby rescinded.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Mahila P.S. Case No. 87 of 2015, pending in the court of learned Chief Judicial Magistrate, Motihari, East Champaran.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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