

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17492 of 2016

Arising Out of PS.Case No. -92 Year- 2015 Thana -MAHILA P.S. District- SIWAN

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1. Atul Kumar Singh @ Pintu son of Late Gyan Bahadur Singh, resident of village- Rawatpur, P.S.- Lar, District- Deoria (Uttar Pradesh)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-04-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 494 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour or make payment of permanent alimony. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is ready

to keep and maintain his wife(informant) with full

dignity. If the informant is not ready to live with the petitioner he is ready to pay alimony as one time settlement or monthly maintenance cost.”

It is further submitted that petitioner has not performed second marriage. A statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

“That the petitioner has

not solemnized his second marriage either with Nitu Singh or any other girl any time before”

Considering the aforesaid stand of the petitioner, 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 one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No. 92 of 2015.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

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 one year (ii) If the informant fails to

appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

The provisional bail of the petitioner will not be confirmed if substantial proof comes that petitioner has performed second marriage and in that eventuality the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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