

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51764 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -MAHILA P.S. District- SAMASTIPUR

1. Mr. Amit Mahto, Son of Bambhola Mahto, resident of Village-
Mohanpur, P.S.- Samastipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabita Devi, Wife of Amit Mahto, resident of Village- Mohanpur, P.S.-
Samastipur, District- Samastipur. Presently residing at Daughter of Sanichar
Rai, Village- Kalyanpur, (Southern Tola), Shishbanni, Ward No.2, P.S.-
Vibhutipur, District- Samastipur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Fahad Khurshid,, Advocate

For the Opposite Party/s : Mr. P.N.Pandit(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

7 23-08-2016 Heard learned counsel for the petitioner and the
State.

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

The basic accusation is of torture and
performance of second marriage.

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
informant and he is still ready to keep 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 so far as the petitioner is concerned, it is made clear that he has ever been and is still ready and inclined to keep the informant wife with full honour and dignity.”

It is submitted by the learned counsel for the informant that petitioner has performed second marriage. Though, it is admitted that in pursuant to the order passed in Maintenance Case No. 862 of 2015 the petitioner is making payment of maintenance amount of Rs. 2500/- per month. It is further submitted that in view of the fact that the petitioner has performed second marriage, there is no question of resuming the conjugal life. In Guardianship Case No. 12 of 2015 the order has been passed for handing over the child to the informant, but the petitioner has not handed over the child to the informant. Learned counsel for the informant further submits that he is not opposing the prayer for bail of the petitioner.

It is submitted by the learned counsel for the petitioner that petitioner is ready to comply the order passed in Guardianship Case No. 12 of 2015.

Considering the above fact, let the above named petitioner be released on provisional anticipatory bail for three months 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 Chief Judicial Magistrate, Samastipur in connection with Mahila Samastipur P.S. Case No. 10 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on filing proof with regard to compliance of orders passed in Maintenance Case as well as Guardianship Case. If the petitioner will failed to comply either order, then in that circumstances the provisional bail will not be confirmed and the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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