

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46115 of 2016

Arising Out of PS.Case No. -153 Year- 2015 Thana -SONBERSA District- SITAMARHI

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Ranjit Kumar, son of late Uttim Lal Mahto

.... Petitioner/s

Versus

1. State of Bihar
2.Chandra Kala Devi, wife of Ranjit Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-10-2016 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 offences punishable under Sections 498A and 494 of the Indian Penal Code.

Basic accusation is of torture and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 21 of the petition which reads as follows:-

"That, even after all the things, the petitioner is ready

to forget all the activities of the informant and keep the informant with full dignity"

It is further submitted that the petitioner has not performed second marriage. A statement to that effect has been made in paragraph 18 of the petition which reads as follows :-

"That it is stated that the allegation of performing of the second marriage of the petitioner with the accused no.8 is also completely false and bereft of any truth and for making undue pressure upon the petitioner and his other family members, the informant had made such type of allegation...."

Contrary to the above statement it appears that the petitioner appeared before the learned Sessions Judge and admitted that he has performed second marriage which has been recorded in paragraph no.4 of the impugned order, which reads as follows :-

"4.During hearing of instant bail application, both petitioner (husband) and wife (complainant) have appeared before the Court. The husband (petitioner) has admitted that he has performed second marriage....."

It is further submitted that the learned Principal Judge Family Court, Sitamarhi, vide order dated 13.08.2015, passed in Misc. case No.120/2011, allowed the maintenance of Rs.5000/-

per month. The petitioner is ready to make payment of maintenance amount, though the said order has been challenged, but statement to that effect has not been made in the petition.

Considering the inconsistent stand of the petitioner with regard to second marriage, this Court is not inclined to grant anticipatory bail. However, keeping in view of the present stand of the petitioner as indicated above, let the learned Court below consider the prayer for bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Sonebarsa P.S. Case No.153/2015, pending before the learned Additional Chief Judicial Magistrate, Sitamarhi.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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