

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41105 of 2016

Arising Out of Complaint Case No.. -1278 Year- 2015 Thana -MUZFFARPUR COMPLAINT
CASE District- MUZAFFARPUR

Shiv Shankar K. Sharma @ Shiv Shankar Sharma @ Gotu S/o Late
Kanhaiya Lal Sharma,

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Sharma W/o- Shiv Shankar Saran @ Gotu D/o- Sri Laxman Thakur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha, Advocate

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016 Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A and 494 of the Indian
Penal Code.

Basic accusation is of torture and performing second
marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph 14 of the petition which reads as under ;-

"That petitioner is ready to keep the complainant with full dignity as wife. "

It is further submitted that the petitioner has not performed second marriage, though statement to that effect has not been made in the petition.

It appears that the learned Additional Sessions Judge has disposed of the anticipatory bail application of the petitioner since only the summons were issued.

Learned counsel for the petitioner further submits that till date warrant has not been issued.

Under the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner in view of the ratio laid down in the case of Salim Ansare alias Md. Salim Ansare and Others Vs. The State of Bihar & Another reported in *PLJR 2015(3) 806* , if the petitioner surrender within a period of six weeks in connection with Complaint Case No.1278/2015, pending before the learned CJM, Muzaffarpur.

It is expected from the learned Court below to dispose of the application, preferably on the same day, in view of the present stand of the petitioner as indicated above.

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

(Dinesh Kumar Singh, J)

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