

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5368 of 2016

Arising Out of PS.Case No. -16 Year- 2015 Thana -BARHAT District- JAMUI

1. Vivek Yadav, Son of Shankar Yadav, resident of Village- Bhandra,
Police station- Barhat, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar & Anr.

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rina Sinha (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-06-2016

The office note dated 27.06.2016 reflects that opposite party no. 2 refused to receive the notice. In the circumstances, notices issued to opposite party no. 2 is deemed to be validly served. Hence, the matter is being taken up on merits.

Heard learned counsel for the petitioner and the State.

Petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 494, 498A, 307 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand, making an attempt to kill the informant and performing second marriage.

It is submitted by the learned counsel for the

petitioner that petitioner admits his marriage with the informant and ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That it is humbly submitted that due to bad mental condition of the informant the petitioner was compelled to perform second marriage but he is still ready and willing to keep and maintain his wife (informant) and his son with full dignity and honour and is not making any attempt to run away from his responsibilities.”

It is further submitted that since the informant deserted the petitioner, the petitioner has performed second marriage.

Considering the above facts, it is a case for consideration of prayer for regular bail of the petitioner, 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 Barhat P.S. Case No. 16 of 2015, pending in the court of learned Chief Judicial Magistrate, Jamui.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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