

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10870 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -MAHILA PS District- GAYA

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1. Upendra Prasad son of Sri Tejo Mahato, resident of village- Brindaban,
P.S.- Fatehpur, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Arun Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2016

The petitioner being husband of the informant

is apprehending his arrest in a case registered for the offences punishable under Sections 323, 494, 498A of the Indian Penal Code.

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 submits that petitioner has not performed second marriage. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner has never
married with another lady.”

It is further submitted that petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is still ready and willing to keep the informant with full dignity affection and love to informant Pratibha Devi”

Considering the present 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 six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya in connection with Mahila P.S. Case No. 04 of 2016.

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

(Dinesh Kumar Singh, J)

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