

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20751 of 2016

Arising Out of Complaint Case No. -185 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Manoj Kumar Mahto, son of Bipin Mahto

..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Kalayan Shankar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-05-2016 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture, performing second marriage and driving out the informant from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and has not performed second marriage. Though statement to that effect has not been made in the petition. The petitioner is still ready to

keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"That the petitioner is always ready to keep his wife with full dignity as per capacity ..."

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Dalsingsarai, Samastipur, in connection with Complaint Case No. 185/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to

appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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