

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46769 of 2015**

Arising Out of PS.Case No. -35 Year- 2015 Thana -FESHAR District- AURANGABAD

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GUPTESHWER SAO @ GUPTESHWAR SAO

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Leelawati Kumari

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3 08-03-2016

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 Section 498A, 494, 506, 34 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 informant but since the informant failed to conceive due to gynecological problem, hence, with the approval of the informant the petitioner performed second marriage. Though the petitioner is still ready to keep the informant as wife with dignity and honour.

It is submitted by learned counsel for the informant

since the petitioner has performed second marriage without consent of the informant she is not ready to resume the conjugal life.

Learned counsel for the petitioner further submits that the petitioner is ready to make payment of Rs. 2500/- per month to the informant from April, 2016 by depositing the same in the bank account of the informant by second week of every month.

The senior counsel for the informant, on instruction, submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account on affidavit before the learned court below within a period of three weeks.

Considering the stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Aurangabad, in connection with Fesar P.S. Case No. 35/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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