

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25628 of 2016

Arising Out of PS.Case No. -160 Year- 2013 Thana -NARDIGANJ District- NAWADA

=====

1. Amit Kumar, son of Sadan Singh, resident of village- Janpura, P.S.-
Nardiganj, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari D/o Tanik Singh, resident of village- Budhwara, P.S.-
Govindpur, District- Nawadah.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal, Advocate

=====

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

ORAL ORDER

5 08-12-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the informant
is apprehending his arrest in a case registered for the offences
punishable under Sections 498A, 494, 419, 420, 504, 307/34
of the Indian Penal Code.

The basic accusation is of torture. It is also
alleged that the petitioner performed second marriage with
the informant by concealing the fact that his earlier
marriage was performed with Diksha Pandey.

It is submitted by the learned counsel for the
petitioner that petitioner admits his marriage with the
informant. At earlier point of time the informant has also
lodged Complaint Case No. 502 of 2013 with similar



accusation, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

In the earlier case the petitioner was granted provisional anticipatory bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 48989 of 2013 and notices were issued to the informant vide order dated 03.03.2014, but since the informant did not appear, hence, the provisional bail granted to the petitioner was confirmed vide order dated 03.09.2014. The said order has been brought on record as Annexures- 2 and 2/1.

In the present matter also the notices were also issued to the informant vide order dated 27.06.2016. The office note dated 30.09.2016 reflects that ordinary process of notice was issued to opposite party no. 2, which has been received by her father and subsequently on the basis of affidavit filed on behalf of petitioner that opposite party no. 2 is joint with her father and both are residing together, notices issued to opposite party no. 2 has been treated deemed valid service vide order dated 24.10.2016.

Today, also none is appearing on behalf of opposite party no. 2. Till date opposite party no. 2 has not entered appearance.

It is further submitted by the learned counsel for



the petitioner that opposite party no. 2 has performed second marriage with some other persons. Statement to that effect has been made in para-11 of the petition which reads as follows:-

“That petitioner is a poor person and used to eke out his livelihood by doing work at Delhi being frustrated from his marital life and came to know that opposite party no. 2 has remarried with another person and then due to apprehension of being arrest moved before this Hon’ble Court.”

Considering the fact that the petitioner has been granted bail in earlier complaint case filed with similar accusation and the fact that the informant failed to appear either in the earlier case before this Court or in the present case in spite of valid service of notice, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawadah in connection with Nardiganj P.S. Case No. 160 of 2013, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--

