

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18264 of 2016

Arising Out of Complaint Case No.. -249 Year- 2014 Thana -SITAMARHI COMPLAINT CASE
District- SITAMARHI

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Sanjay Kumar, son of late Guru Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Ray(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-04-2016

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 Sections 498A,323, and 494 of the Indian Penal Code.

The accusation is of torture and performing second marriage.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is 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 ready to keep his wife with full

respect and dignity as a wife"

It is further submitted that the petitioner denies the factum of second marriage, a statement to that effect has been made in paragraph 7 of the petition, which reads as follows :-

"That the petitioner has never performed his second marriage....."

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 ACJM-I, Sitamarhi, in connection with Complaint Case No.C1/249 of 2014, 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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