

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36998 of 2016

Arising Out of PS.Case No. -124 Year- 2016 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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1. Brij Mohan Giri @ Brij Kishore Giri, Son of Late Rarkrit Giri, resident of
Village- Areraj, P.S.- Govindganj, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Amrita Devi wife of Brij Mohan Giri @ Brij Kishore Giri, D/o Phuldeo
Bharti, resident of Village- Dumariya, Ward No. 3, P.S.- Raxaul, District-
East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate
For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-09-2016 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 341, 323,
498A, 494/34 of the Indian Penal Code.

The basic accusation is of torture and
performance of second marriage.

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the

informant and he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

“That the petitioner wants to keep the victim with all dignity and decorum but the victim does not want to live with husband.”

Supplementary affidavit has been filed to the effect that petitioner has not performed second marriage.

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 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 Additional Chief Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Govindganj P.S. Case No. 124 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant on her appearance the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed within six months by the learned court below

in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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