

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5199 of 2016

Arising Out of PS.Case No. -246 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Lalan Rai son of Surendra Rai, R/o village- Parwaha, P.S.- Parihar,
District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalit Devi wife of Lallan Rai, Daughter of Chandeshwar Rai, R/o- Balha
Maksudan, P.S.- Pupari, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Mina Singh (App)

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

ORAL ORDER

2 01-02-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 498A,494,504 and 323 of the Indian Penal Code.

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

On instruction it is submitted that the petitioner admits his marriage with the complainant and the accusation against the petitioner has been levelled after 13 years of marriage. It is further submitted that the petitioner has already filed Matrimonial Suit



No. 132 of 2015 for restitution of conjugal rights. The petitioner denies the factum of second marriage. Statement to the aforesaid effect has been made in paragraph 10 of the petition. The petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition the relevant portion of which reads as follows:

“he was always ready to keep her with full respect and dignity and still he is depositing rupees six hundred in the name of complainant in Sahara India.”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Pupari at Sitamarhi in connection with Complaint Case No. 246 of 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 and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue. But if the substantive proof comes that the petitioner has performed second marriage then the provisional bail will not be confirmed and in that eventuality, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Anil/-

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