

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16471 of 2016

Arising Out of PS.Case No. -1055 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Arbind Sah Son of Nepal Sah R/o Village Rajakpur, P.S. Nawkothe, District Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi Wife of Arbind Sah , D/o Chamru Sah R/o Village Bidhan, P.S. Bidhan, District Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. U.L.Verma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 25-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A and 494 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and has not performed second marriage. Statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner submits that he has not solemnized second marriage.”

It is further submitted that the petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 17 of the petition, which reads as follows:-

“That the petitioner is still ready to keep the complainant as a wife with full dignity and honour.”

It is submitted by learned counsel for the complainant admits her marriage and birth of a female child but since the petitioner has performed second marriage the complainant is not ready to accept the offer of the petitioner.

Considering the inconsistent stand of the parties, let the above named petitioner be released on provisional anticipatory bail for four 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, Rosera, District - Samastipur in connection with Complaint Case No. 1055 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below conduct an enquiry and if it is found that the petitioner has not performed second marriage then the provisional bail of the petitioner will be confirmed by the learned court below but if it is found that the petitioner has performed second marriage then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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