

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33144 of 2016

Arising Out of PS.Case No. -4005 Year- 2015 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Chandan Pandey @ Chandan Tiwary, Son of Umesh Pandey,
..... Petitioner/s

Versus

1. The State of Bihar.
2. Khushboo Devi, W/O- Chandan Pandey @ Chandan Tiwary, D/O- Lali
Tikulihar,

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-08-2016 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 and 494 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he has

not performed second marriage. Initially, the petitioner was not inclined to keep the complainant, which gets reflected from the impugned order but now he is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"That, it is important to mention here that the petitioner is ready and willing to keep the complainant as wife at his home with full honour and dignity and the petitioner has not performed 2nd 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 CJM, Vaishali at Hajipur, in connection with Complaint Case No.4005/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned Court below conduct an enquiry with regard to factum of second marriage of the petitioner. If the learned Court below comes to the conclusion that the petitioner has not performed second marriage then the provisional bail of the

petitioner will be confirmed. If the learned Court below comes to the conclusion otherwise, then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

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