

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38443 of 2015

Arising Out of PS.Case No. -157 Year- 2014 Thana -PANDAU District- MADHUBANI

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1. Raju Sahu Son of Ram Ashis Sahu, Resident of Village - Bagwatipur,
P.S. - Pandaul, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandu Devi, Wife of Raju sahu, Resident of Village - Bhagwatipur,
P.S. - Pandaul, District - Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-02-2016

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 494, 498A, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture and performing second marriage.

The notices were issued to the informant/O.P. No. 2 vide order dated 27.08.2015. It appears from the office note dated 15.01.2016 that ordinary process of notice was served to the informant/O.P. No. 2 but after seeing the notice the informant/O.P. No. 2 refused to take notice or give receipt of the same. Hence, let the notice issued to the informant/O.P. No. 2 be treated to be a deemed service. Today also none is appearing on behalf of the informant/O.P. No. 2.

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. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That it is humbly and respectfully submitted that petitioner is husband and petitioner is ready to keep the informant with all respect”

It is further submitted that petitioner admits that petitioner has performed second marriage since the informant has also performed second marriage with one Shiv Shankar Sah. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That Sarpanch of the said panchayat gave a certificate that informant performed second marriage with one Shiv Shankar Sah, at resident of Village and Post-Narayanpatti, P.S. Raj Nagar, District-Madhubani”

Considering the facts that in spite of valid service of notice the informant/O.P. No. 2 chose not to appear, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like

amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S. Case No. 157 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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(Dinesh Kumar Singh, J)