

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7955 of 2016

Arising Out of PS.Case No. -5 Year- 2013 Thana -MAHILA P.S. District- MADHUBANI

=====

Anil Ram, son of Kaushal Ram

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/494/323/379/504/120B of the Indian Penal Code.

The accusation is of torture and performing second marriage.

On instruction, learned counsel for the petitioner submits that the 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 9 of the petition which reads as follows:-

"9. That the petitioner is ready to keep the informant (O.P. No.2) with full dignity and honour."

It is further submitted that the petitioner has not performed second marriage. Though statement to that effect has not been made in the petition.

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 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, Madhubani in connection with Madhubani (Mahila) P.S. Case No.5/2013 , subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. 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 by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets

reluctant to reconcile the issue.

The provisional bail of the petitioner will not be confirmed if substantive proof comes that the petitioner has performed second marriage and in that case the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--