

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33556 of 2016

Arising Out of PS.Case No. -8 Year- 2016 Thana -MAHILA P.S. District- VAISHALI(HAJIPUR)

Abhay Kumar Singh S/O Late Baleshwar Singh,

.... Petitioner/s

Versus

1. The State of Bihar

2. Rinku Devi W/O Abhy Kumar Singh,

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the informant
is languishing in custody since 29.03.2016 in a case registered
for the offences punishable under sections 498A and 494 of the
Indian Penal Code.

Basic accusation is of torture and performing
second marriage.

It is submitted by learned counsel for the petitioner
that the petitioner admits his marriage with the informant. The
informant earlier filed Vaishali Mahila P.S. Case No.21/2013
with similar accusation, which is pending for trial whereas the
present FIR has been lodged on 29.03.2016. Moreover, the
investigation has already concluded. The petitioner is still ready

to keep the informant as wife with full dignity and honour, a statement to that effect has been made in paragraph no.11 of the petition, which reads as under :-

".....That, the informant is residing at her parental house since 27.11.201 but still the petitioner is ready to keep his wife and children with full dignity and love."

It is submitted by learned counsel for the informant that the petitioner has performed second marriage and is not taking care of her.

Considering the fact that the investigation has already concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur, in connection with Vaishali Mahila P.S. Case No.08/2016.

So far as the informant's claim of getting maintenance for welfare of herself and the children, since the petitioner has performed second marriage, is concerned, the remedy lies by way of filing appropriate application before the learned Court below, if she so desires. If the complainant files any such application and serves a copy of the same upon the counsel for the petitioner then the petitioner will regularly appear in the

said proceeding in the concerned Court. It is expected from the concerned Court to dispose of the maintenance proceeding expeditiously on its filing. The learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions in the said proceeding.

(Dinesh Kumar Singh, J)

Ashwini/-

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