

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1218 of 2016

Arising Out of PS.Case No. -143 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Binod Sahni, son of Bhola Sahni

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2016

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.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and denies performing second marriage. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"10. That the petitioner never performed another marriage with any women till the day hence section 494 of the

Indian Penal Code is not applicable in the present case."

However, the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"8. That the petitioner is the husband and ready to keep her wife with full dignity and honour."

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 SDJM, Sitamarhi in connection with Complaint Case No.C-1-143/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant 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 complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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