

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20429 of 2016

Arising Out of PS.Case No. -1141 Year- 2015 Thana -COMPLAINT CASE District- BANKA

=====

Arun Manjhi, son of Gopal Manjhi, resident of Village-Machanatari, P.S.-
Simultala, District-Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Sushila Devi, wife of Arun Manjhi, daughter of Gangadhar Kapri,
resident of Village-Dumarthar, P.S.-Chandan, District-Banka

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. U.S.P.Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-05-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 379, 498A of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and has not performed second marriage. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That so far allegation of

494 I.P.C is totally false, because the petitioner not

married with another girl. The petitioner denied the allegation of remarriage.

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 9 of the petition which reads as follows:-

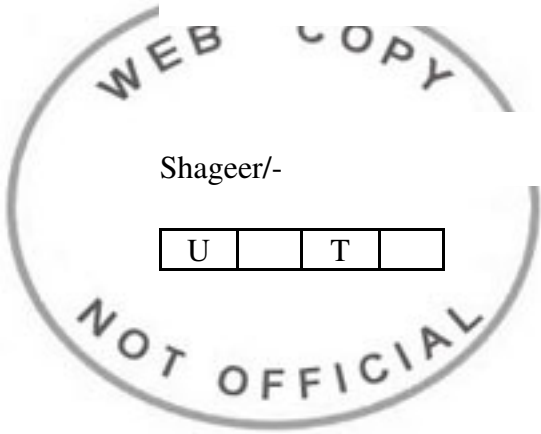
“That the petitioner is ready to keep the complainant(O.P. No. 2) with full dignity and honour, she do not want to live with the petitioner.”

Considering the present stand of the petitioner, 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 provisional anticipatory bail for one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Banka in connection with Complaint Case No. 1141 of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails

to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)