

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2670 of 2016

Arising Out of PS.Case No. -948 Year- 2011 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Ashok Yadav son of Bhupendra Yadav.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 08-08-2016

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.

The notices were issued to the complainant vide order dated 01.02.2016. It appears from the office note dated 06.05.2016 that notices issued to opposite party no.2 were received by her uncle. Learned counsel for the petitioner has filed an affidavit with regard to jointness of opposite party no.2 with her uncle, in the circumstances, let notices issued to opposite party no.2 deem to be

validly served. Today, none is appearing on behalf of opposite party no.2.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in the supplementary affidavit. Though, the petitioner was making payment of ₹1800/- to the complainant but since the complainant has performed second marriage he is not making such payment.

Considering the fact that in spite of service of notice, the complainant chose not to appear, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Complaint Case No. 948C of 2011 pending in the court of learned CJM, Saharsa.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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