

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28967 of 2016

Arising Out of PS.Case No. -982 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Anil Choudhary Son of Late Vishwanath Choudhary, Resident of Village:-
Barhi Bigha, P.S.:- Hisua, District:- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asha Devi Daughter of Rajendra Choudhary, Resident of Village:-
Shekhodebra, P.S.:-Kawakola, District:- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

06/ 20-03-2017

Heard learned counsels for the petitioner, the
complainant-opposite party no. 2 and Mr. J.N. Thakur, learned
counsel for the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
process has been directed to be issued after cognizance being
taken for the offences punishable under Sections 498A, 323 and
494 of the Indian Penal Code.

The 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 complainant and since the complainant deserted the petitioner, hence, he filed Matrimonial Suit No. 209 of 2014 for restitution of conjugal rights. The petitioner is still ready to keep the complainant/informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That it is submitted that the petitioner want to keep the complainant with full dignity and honour.”

Though the petitioner admits that he has performed second marriage but it is submitted on behalf of the complainant that the petitioner has still not performed second marriage, but even if he has performed second marriage the complainant is ready to resume the conjugal life and in the circumstances she is not opposing the prayer for anticipatory bail of the petitioner. Though the complainant is a bit apprehensive due to the past conduct of the petitioner.

The petitioner undertakes to take the complainant from her parents' house on or before 16.04.2017.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the



learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Complaint Case No. 982 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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