

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46973 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -KARJAIN District- SUPAUL

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Shatrughan Mukhiya @ Shatrudhan Mukhiya Son of Darshan Mukhiya,
resident of Village - Sitapur, Police Station- Karjain, Distt.- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi, W/o Shatrughan Mukhiya @ Shatrudhan Mukhiya, D/o
Sadanand Mukhiya, R/o village – Jiwachpur, P.S. Bhimpur, Distgrict –
Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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

ORAL ORDER

03/ 09-02-2017

Heard learned counsels for the petitioner, State
and the informant-opposite party no. 2.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A, 494/34 of the Indian
Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand and performing second marriage.

The petitioner and the informant are present in
the Court.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the



informant having one male child. Though, earlier it was submitted that the petitioner has not performed second marriage, but today it is submitted that the petitioner has performed second marriage and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 6 of the petition, which reads as follows:-

“That, the petitioner is ready to keep the informant as his legally married wife with full dignity and honour.”

It is submitted by learned counsel for the informant that earlier also Complaint Case No. 388C of 2015 was filed with similar accusation which ended into compromise but after the compromise again torture was inflicted. Hence, the informant is ready to accept the present offer of the petitioner in spite of the fact that the petitioner has performed second marriage, though she is apprehensive due to the past conduct of the petitioner.

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



Judicial Magistrate, Ist Class, Birpur (Supaul) in connection with Karjain P.S. Case No. 43 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both sides agree to appear before the learned court below on 20th of February, 2017 when the petitioner will take the informant to keep her as wife with full dignity and honour.

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 informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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