

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40973 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -MAHILA P.S. District- SARAN

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Narendra Kumar son of Shyam Lal Majhi Resident of Village-Gudari Rai
Ka Chowk, Police Station-Bhagwan Bazar, District-Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari W/o Narendra Kumar, D/o Upendra Prasad Resident of
Village-Kuldeep Nagar, Near 44 No. railway crossing, Police Station-
Chapra Mufasil , District-Saran at Chapra

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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

ORAL ORDER

04/ 10-02-2017

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, 379/34 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.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant on 24.11.2013 and birth of a male child. The petitioner



has not performed second marriage. Statement to that effect has been made in paragraph no. 12 of the petition, which reads as follows:-

“That, it is relevant to mention here that petitioner has not performed second marriage with anybody and the same is only the dirty dirty mentality of the informant and harassing attitude of the informant.”

It is further submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 10 of the petition, which reads as follows:-

“That, petitioner always and still ready to keep her wife i.e. O.P. No. 2 with full honour and dignity.”

Counsel for the informant submits that after the marriage torture was inflicted and now the petitioner has performed marriage with one Kavita Sharma and there is a child also out of the said wedlock. Counsel for the informant relies on the certain photograph of the petitioner along with one lady and the infant child. In such circumstance, the informant is not ready to resume the conjugal life.

It is difficult for this Court to arrive at a conclusive finding with regard to the second marriage of the



petitioner in the present proceeding.

In the circumstances, since the issue is not likely to be resolved at present, 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 Additional Chief Judicial Magistrate-VIII –cum- Sub Judge-VIII, Saran at Chapra in connection with Saran Mahila P.S. Case No. 35 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below come to a conclusive finding after taking required evidence with regard to the factum of second marriage of the petitioner. If the learned court below comes to a conclusion that the petitioner has not performed second marriage then the provisional bail of the petitioner will be confirmed by the learned court below but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for bail.

(Dinesh Kumar Singh, J)

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