

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42649 of 2016

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Rabindra Chaudhary, S/o Late Sukhdeo Chaudhary, Resident of Village-
Govindpur, P.S.- Bahadurpur, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar
2. Bachi Devi, W/o Rabindra Chaudhary, Resident of Village- Govindpur,
P.S.- Bahadurpur, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. J. N. Thakur, Advocate
For the State : Mr. Sri Gopesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 09-05-2017 Heard learned counsels for the petitioner and the State.

However, none is appearing on behalf of the informant opposite
party no.2.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 323, 504 and 498A of the Indian Penal
Code.

Basic accusation is of torture after 45 years of marriage.
Though, accusation under section 494 of the Indian Penal Code
has not been levelled but the petitioner admits that he has
performed second marriage in 1973 since there was no issue from
the first wife i.e. the informant of the case.

It is submitted by learned counsel for the petitioner that



the petitioner admits his marriage with the informant having no issue. It is further submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph 5 of the supplementary affidavit, which reads as under:-

"That the petitioner is still ready to keep her (O.P. No.2) with full dignity."

It is further submitted by learned counsel for the petitioner that the petitioner being a government servant has retired as Clerk.

This Court, vide order dated 28.09.2016, issued notices to the informant opposite party no.2. Office note dated 23.12.2016, reflects that the process server has reported that since opposite party no.2 could not be found at the address given, hence, the house service was effected. In spite of that this Court, vide order dated 19.01.2017, directed for issuance of fresh service of notice upon opposite party no.2. The office note dated 09.03.2017, reflects that ordinary process of notice has been received by the opposite party no.2, but none turned up on her behalf, when on 10.03.2017, the matter was adjourned for 11th of April 2017. On 11.04.2017 also none appeared on behalf of the informant opposite party no.2. Today, on call, also none appeared



on behalf of opposite party no.2.

Considering the fact that in spite of valid service of notice the informant chose not to appear and the stand of the petitioner that he is ready to keep the informant, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Darbhanga, in connection with Mahila P.S. Case No.86/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order will not preclude the informant to résumé the conjugal life and if she so wishes and files an application before the learned court below then learned court below shall issue notice to the petitioner and the petitioner shall be obliged to comply with the undertaking given before this court.

(Dinesh Kumar Singh, J)

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