

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32832 of 2016

Arising Out of PS.Case No. -193 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Bhushan Paswan son of Ramesh Paswan resident of Village- Kohabarwa,
P.O. Jaitapur, P.S. Palanwa, District East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi wife of Bhushan Paswan Resident of Village- Kohabarwa,
P.O. Jaitapur, P.S. Palanwa, District East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

05/ 31-01-2017

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

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 323, 494 and
498A of the Indian Penal Code.

The basic accusation is of torture after ten years
of the marriage and performing second marriage.

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



complainant having no issue and the second marriage was performed since there was no issue from the complainant. The petitioner has also filed Matrimonial Suit No. 304 of 2015 for restitution of conjugal right. On instruction, it is further submitted by learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour, though, statement to that effect has not been made in the petition.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner in spite of the fact that the petitioner has performed second marriage provided the petitioner will keep the complainant with full dignity and honour.

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 Sub-divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Complaint Case No. 193 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The bail bond of the petitioner will be accepted by the learned court below on filing affidavit that he will keep the complainant 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) if the complainant does not make any complain of torture; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court below.

(Dinesh Kumar Singh, J)

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