

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38063 of 2018

Arising Out of PS. Case No.-517 Year-2016 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

Rama Paswan, Son of Jagarnath Paswan, Resident of village Brijpur, P.S. Noorsarai, District Nalanda at present Ambha Nagar, P.S. Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Janak Devi, W/o Rama Paswan, R/o Brijpur P.S. Noorsarai, Distt.- Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumari Sujata Sinha
For the Opposite Party/s : Mr. J N Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 01-11-2018

Heard learned counsels for the parties.

The petitioner being the husband of the complainant, is apprehending arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A, 494 and 406 of the IPC.

The prosecution case is that after 25-30 years of marital life and after having three female children, torture was inflicted upon the complainant and the petitioner has performed second marriage.

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



so far as allegation of second marriage is concerned, it was performed with the consent of the complainant. The petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 12 of the petition, which reads as follows:

“That the petitioner is ready to keep his wife with full honour and dignity.”

Notices were issued to O.P. No. 2 vide order dated 29.6.2018. Office note dated 24.9.2018 reflects that notice under ordinary process has been personally received by O.P. No. 2 but none appeared on her behalf on 6.10.2018 when the matter was adjourned for 1.11.2018. Today also none appears on behalf of O.P. No. 2.

Considering the nature of accusation and the fact that O.P. No. 2 chose not to controvert the contention made on behalf of the petitioner, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Nalanda at Biharsharif in connection with Complaint Case No. 517C of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C.



If the complainant so wishes to resume the conjugal life and files an application to that effect before the learned court below, the learned Court below will be obliged to issue notice to the petitioner when the petitioner will be obliged to keep the complainant as wife with full dignity and honour.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

