

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36740 of 2018

Arising Out of PS. Case No.-390 Year-2016 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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Manoj Kumar @ Pappu Kumar, age about 30 Years, S/o Shivnandan Dhardhi , R/o Vill.- Eshua (Beldari), P.O.+P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi, age about 30 Years, W/o Manoj Kumar @ Pappu Kumar D/o Ram Padarath Dhardhi, R/o Vill.- Budhauri, Tola- Dhobghatta, P.S. + District- Sheikhpora.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan
For the Opposite Party/s : Mr. J.N. Thakur, APP

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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 filed with accusation for the offences punishable under Sections 498A,406 and 494 of the IPC.

The prosecution case as per the complaint dated 6.10.2016 filed by Sunita Devi is to the effect that the marriage of the petitioner and the complainant was performed in 1999. Subsequently, they were blessed with a male child who was eight years old at the time of filing the complaint. It is further alleged that the father of the complainant paid Rupees Three Lacs to the accused persons



but subsequently about two years prior to the filing of the complaint the accused persons inflicted torture upon her and drove her out of the matrimonial house. It is further alleged that the petitioner has performed second marriage.

The petitioner and complainant are present. It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child. The petitioner is still ready to keep the complainant and her child with dignity and honour. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:-

“That the petitioner is innocent and a responsible husband who always wanted to keep his wife with full Honor and dignity and he tried his best bring her wife to his home after the marriage was solemnized in 1999.”

It is further submitted that the petitioner has performed the second marriage and there is a child also from the second marriage.

However, learned counsel for the complainant submits that in spite of the fact that the petitioner performed second marriage but she is ready to accept the offer of the petitioner, hence at



present she is not opposing the prayer of the petitioner for bail. Both sides agree to appear before the learned Court below on 19th November, 2018, when the petitioner will take the complainant and her child to her matrimonial house and keep them with full dignity and honour.

Considering the present stand of the parties, in order to save the complainant and her child from destitution and vagrancy with a lurking hope that the issue might reconcile in future, let the petitioner above named be released on provisional anticipatory bail for six months 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, Sheikhpura in connection with Complaint Case No. 390C of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The learned court below will get a report from the local police station with regard to the conduct of the petitioner. The provisional bail of the petitioner will be confirmed by the learned Court below if the report of the local police reflects that he is not inflicting torture upon the complainant and the provisional bail will not be confirmed



in case it is found that the petitioner has inflicted torture
upon the complainant.

(Dinesh Kumar Singh, J)

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