

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15887 of 2019

Arising Out of PS. Case No.-101 Year-2016 Thana- SANOKHAR District- Bhagalpur

1. PANKAJ SINGH, Son of Late Chaturi Singh, Resident of Village-Madarganj, P.S-Sanokhar (Amdanda), District-Bhagalpur.
2. Vandana Devi, Wife of Pankaj Singh, Resident of Village-Madarganj, P.S-Sanokhar (Amdanda), District-Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sindhu Devi, D/o Bilash Mandal, Resident of Village-Rampur, P.O and P.S-Shivnarayanpur, District-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha
For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-04-2019 Heard learned counsels for the petitioners and the State.

The petitioner no.1, being the husband of the informant and petitioner no.2, being the second wife of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 498A and 494/34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the informant is that marriage between the informant and the petitioner no.1, Pankaj Singh was performed eight years prior to lodging of the present



case and subsequently, they were blessed with two male children. Thereafter, the informant came to know that her husband has performed second marriage with another lady and on protest being made, torture was inflicted upon the informant. It is further alleged that on 25.03.2016, after snatching all the belongings, the informant was driven out from her matrimonial house and on 27.09.2016 when the mother of the informant went to in-law's house of the informant and tried to pacify the matter, then she was abused and assaulted by in-law family members of the informant.

Learned counsel for the petitioners submits that the petitioner no.1 admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 13 of the petition which reads as follows:-

“13. That moreover, petitioner no.-1 is still ready to keep the informant with full dignity and regard if she is ready to live with him in good manner.”

It is further submitted that similar was the stand of the petitioner no.1 before the learned Court below which gets reflected from the impugned order itself.

Considering that present stand of the petitioner no.1, let the above named petitioner no.2 be released on anticipatory



bail and petitioner no.1, be released on provisional anticipatory bail for six months in the event of 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 **ACJM-IV, Bhagalpur** in connection with **Sanokhar (Amdanda) P.S. Case No. 101 of 2016**, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Let the learned Court below issue notice to the informant for her appearance. On her appearance, the petitioner no.1 will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.1 will be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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