

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4165 of 2019

Arising Out of PS. Case No.-2678 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Ganesh Yadav, Son of Balikarn Yadav, Resident of Village-Chaumukha, P.S.-
Vijaipur, District, Gopalganj.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Nirmala Devi, Wife of Ganesh Yadav, Daughter of Banshi Yadav, Resident of
Vill-Chaumukha, P.S-Vijaipur, Distt.-West Champaran, At present Vill-
Vilruwa, P.S.-Bhore, Distt.-Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Prithvi Nath Mishra
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard learned counsels for the petitioner and the

State.

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 Sections 498A and 323 of the IPC.

The prosecution case, as per the complaint petition, is to the effect that the marriage of the complainant was performed with the petitioner in the year 2002, but subsequent to the marriage, further demand of dowry of Rs. 1 lac was made and due to non-fulfillment of the same, torture was inflicted by the petitioner and other in-laws family members of the complainant.



It is also alleged that petitioner has illicit relationship with the co-accused, Suthari Devi, with whom the petitioner has performed second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 7 of the petition, relevant portion of the same reads as follows:-

“That the real facts of the case is that the petitioner is always ready to keep his with honour and full dignity....”

It is further submitted that the petitioner has not performed second marriage, statement to that effect has been made in paragraph no.9 of the petition, relevant portion of the same reads as follows:-

“That one more aspect of the case is that the petitioner is no solemnized second marriage with anyone.....”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/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 like amount each to the satisfaction of learned ACJM-XII, Gopalganj in connection with Complaint Case No. 2678 of 2017, subject to the condition as laid down



under Section 438(2) of the Cr. P.C.

Let the learned Court below issue notice to the complainant and on her appearance, the petitioner will take her to keep her 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 matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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