

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71958 of 2019

Arising Out of PS. Case No.-709 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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BARUN KUMAR Son of Indradeo Prasad Resident of Village - Nanand, P.S.-
Silao, Distt - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindu Kumari W/o Barun Kumar, D/o Mahendra Prasad Resident of Village
- Nanand, P.S.- Silao, Distt - Nalanda. At present resident of Dosut, P.S.-
Bena, Distt - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh
For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 06-03-2020 Heard learned counsels for the petitioner and the

State.

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 498A and 494 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 2003, but subsequent to the marriage, further demand of dowry of a motorcycle was made and due to non-fulfillment of the same, the complainant was tortured by all the accused persons including the petitioner and



ultimately the complainant was driven out from her matrimonial house. It is further alleged that 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. 10 of the petition, which reads as follows:-

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

It is further submitted that the petitioner has not performed second marriage, though statement to that effect has not been made in the petition.

Learned counsel for the complainant submits that the petitioner has performed second marriage with one Astuti Devi, however, she is ready to reside with the petitioner provided he does not keep any other lady in the house.

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 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 SDJM, Nalanda at Biharsharif in connection with Complaint Case No. 709C of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Let the learned Court below get an enquiry conducted from the native place of the petitioner as well as from the place of his posting as to whether he has performed second marriage or not.

On enquiry, if the learned Court below comes to a conclusion that the petitioner has not performed second marriage and the complainant agrees to reside with the petitioner then on substantial resumption of conjugal right of the complainant, the provisional bail of the petitioner will be confirmed by the learned Court below.

However, if the learned Court below comes to a conclusion that the petitioner has performed second marriage, in that event the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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