

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18971 of 2020**

Arising Out of PS. Case No.-398 Year-2017 Thana- COMPLAINT CASE District- Araria  
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RUPESH MANDAL @ RUPESH KUMAR MANDAL Son of Pramod Mandal Resident  
of Hansa, P.S.- Raniganj, District- Araria.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Madhu Devi Wife of Rupesh Mandal Resident of Village- Hansa, P.S.- Raniganj,  
District- Araria. Present Address - Resident of Jhauwa Tola, P.S.- Tarabari,  
District- Araria.

... .. Opposite Parties

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**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr.Arun Kumar Mandal, Adv.   |
| For the Opposite Party/s | : | Mr.Md. Mushtaque Alam, APP   |
| For O.P. No. 2           | : | Mr. Ramesh Kumar Singh, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

7    08-03-2021                      Heard Mr. Arun Kumar Mandal, learned counsel for

the petitioner and Mr. Ramesh Kumar Singh, learned counsel

for the opposite party no. 2. The State is represented by Mr.

Md. Mushtaque Alam, learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 398 C of 2017 in

which cognizance has been taken under Section 498A of the

Indian Penal Code.

The learned counsel for the petitioner has

submitted that though the petitioner has married with

another person during the subsistence of marriage with O.P.

No. 2, but that was only because the matrimonial

relationship with the O.P. No. 2 had soured beyond the

redemption. He, however, submits that he is ready for a one



time settlement with her provided she is agreeable for the same.

However, regard being had to the fact that the petitioner has married again during the subsistence of the marriage with O.P. No. 2, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below shall explore the possibility of one time settlement as also the feasibility of the O.P. No. 2, going back to matrimonial fold if she so desires, and shall pass orders in accordance with law.

This observation has been given on the submission of the counsel for the O.P. no. 2 that notwithstanding the marriage of the petitioner with another person during the subsistence of marriage with her, she is willing to go back to her matrimonial fold.

The petition stands disposed of.

sunilkumar/-

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**(Ashutosh Kumar, J)**

