

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31218 of 2020**

Arising Out of PS. Case No.-843 Year-2019 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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PAPPU YADAV S/o Chandeshwari Yadav @ Chano Yadav R/o village-
Mohanpur, Bela Tola, O.P.- Balwahat, P.S.- Bakhtiyarpur, District- Saharsa

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Kumari W/o Pappu Yadav, D/o Late Suresh Yadav R/o village-
Mohanpur, Bela Tola, O.P.- Balwahat, P.S.- Bakhtiyarpur, At present R/o
Village- Parahi, O.P.- Balwahat, P.S.- Bakhtiyarpur, District- Saharsa

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP
For the Informant	:	Mr. Anil Kumar Mukund, Advocate
	:	Mr. Subesh Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-03-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within three weeks after

start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel
for the O.P. No. 2 and Mr. Syed Ehteshamuddin, learned A.P.P. for
the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Complaint Cases No. 843(c) of 2019
registered for the offences punishable under Sections 341, 323,
379, 394, 498(A), 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the



petitioner is still ready and willing to keep the O.P. No. 2 as his legally wedded wife with full dignity and care. Learned counsel has specifically submitted on instruction that the allegation of solemnisation of second marriage against this petitioner is not correct. It is submitted that though there is no finding on this as yet but the fact is that no cognizance has been taken under Section 494 I.P.C. It is, however not disputed that the complainant - O.P. No. 2 has made specific allegation in her complaint petition that the petitioner has solemnised marriage with another lady during the lifetime of O.P. No. 2.

Learned counsel for the petitioner further submits that in her solemn affirmation the complainant – O.P. No. 2 has desired that she is still willing to live with the petitioner and as such both the parties may be given an opportunity to mend their ways and come together.

Mr. Mukund, learned counsel representing the O.P. No. 2 agrees that O.P. No. 2 is still willing to live with the petitioner. Learned counsel has, however put a word of caution saying that the petitioner should not indulge in any torture upon O.P. No. 2 and in no case the petitioner would keep any other lady in the matrimonial house.

Learned counsel for the petitioner agrees with the submissions on behalf of O.P. No. 2 and submits that he would



visit the place of O.P. No. 2 within a period of two weeks from today to bring her back to the matrimonial home where she will be kept with full dignity and care.

Learned counsel for the O.P. No. 2 having accepted the submission of the learned counsel for the petitioner, does not oppose the prayer for anticipatory bail for the reasons that when O.P. No. 2 wants to live together peacefully.

In the given circumstances, let the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 843(C) of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Rajesh Kumar-VI, learned Judicial Magistrate, 1st Class, Saharsa, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India



without the previous permission of the Court.

Further condition that in terms of his own assurance given before this Court, the petitioner shall visit the place of O.P. No. 2 within two weeks from today and shall bring her back to the matrimonial home where she will be allowed to live as legally wedded wife of the petitioner with full dignity and care. The O.P. No. 2 shall also cooperate with the petitioner in peaceful living.

And further condition that in no case petitioner shall keep any other lady in the matrimonial house as assured by him to this Court.

In case of failure to abide by the aforesaid conditions, the O.P. No. 2 may bring it to the notice of this Court for an appropriate order.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

