

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33934 of 2015

Arising Out of PS.Case No. -397 Year- 2015 Thana -KANKARBAGH District- PATNA

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Deepak Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. S.Eheteshmuddin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-07-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 13 of the petition. Though, similar was the stand of the petitioner before the learned court below but it was the informant who refused to accept the offer of the petitioner.

In the circumstances, the petitioner is ready to pay ₹ 1,000/- per month to the informant from September, 2015 by depositing the same in the bank account of the informant by

second week of every month.

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Patna in connection with Kankarbagh P.S. Case No. 397 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is expected that the petitioner will serve a copy of this order to the informant within a period of three weeks when it is expected that the informant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

If the informant will refuse to accept the payment then the said money will be deposited by the petitioner before the learned court below which will be invested in some fix deposit

scheme in connection with present case which will be subject to any order being passed in matrimonial proceedings.

The present order in no way will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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