

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4288 of 2015

Arising Out of PS.Case No. -780 Year- 2014 Thana -SIWAN COMPLAINT CASE District-
SIWAN

- =====
1. Raj Kapoor Mishra
 2. Surendra Mishra.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Raj Kishor Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2015

Heard learned counsels for the petitioners and the State.

The petitioner no.1 being the husband of the complainant and petitioner no.2 being the father of petitioner no.1 are apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 406/34 of the Indian Penal Code.

The basic accusation is of torture.

On instruction, it is submitted by learned counsel for the petitioners that petitioner no.1 is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition. Similar was the stand of petitioner no.1 before the learned court below but the complainant refused to accept the offer of petitioner no.1 which gets reflected

from the impugned order also, which reads as follows:-

“Notice was sent to the complainant, who has appeared and said that she is not ready to go with her husband and husband petitioner no.1 is ready to keep her.”

In the circumstances, the petitioner no.1 is ready to pay ₹1,000/- per month to the complainant from March, 2015 by depositing the same in the bank account of the complainant by second week of every month.

Considering the present stand of the petitioner no.1, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Complaint Case No. 780 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner no.1 will serve a copy of this order to the complainant within a period of two weeks when it is expected that the complainant 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 no.1 will give liberty to the informant to file an application for cancellation of bail of the petitioner no.1.

The present order will not preclude the complainant to resume the conjugal life. If she files any such application before the learned court below then the petitioner no.1 will be obliged to keep the complainant as wife with full dignity and honour.

(Dinesh Kumar Singh, J)

Amrendra/-

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