

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22726 of 2015

Arising Out of PS.Case No. -48 Year- 2014 Thana -MAHILA P.S. District- SARAN

Vikash Sharma Son of Late Udai Shankar Sharma Resident of village -
Kakarahiya, P.S. Khaira, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Gudiya Devi W/o Vikash Sharma Resident of village - Kakarahiya, P.S.
Khaira, District - Saran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyabir Bharti

For the Opposite Party/s : Mr. Atul Chandra (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 03-12-2015

In view of the affidavit filed by counsel for the

petitioner that opposite party no. 2 is joint with her father who received the notice on her behalf, hence, the notices issued to opposite party no. 2 deemed to be validly served.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 341 and 379 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the informant is mentally abraded, though, before the learned court below the stand of the petitioner was that he is ready to keep the informant as wife with full dignity and

honour, but at present the petitioner is not in a position to reconcile the issue as the informant has not responded in spite of notice being received by her. However, in the alternative the petitioner is ready to make payment of Rs.1100/- per month from January, 2016 to the informant for her welfare by depositing the same before the learned court below in every succeeding month.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Mahila (Saran) P.S. Case No. 48 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned court below will release the monthly amount in favour of the informant, if she files any such application for release or she desires that the money should be deposited in her account then on submitting the bank account number on affidavit before the learned court below the petitioner will deposit the amount in her account.



The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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

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

(Dinesh Kumar Singh, J.)

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