

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20750 of 2015

Arising Out of PS.Case No. -3140 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Brijesh Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial suit no. 391 of 2012 for divorce on 21.11.2012 and thereafter the present complaint has been filed. It is further submitted that in pursuance to the order passed in maintenance proceeding, the petitioner is making payment of ₹10,000/- per month to the complaint regularly. A statement to that effect has been made in para 9 of the supplementary affidavit which reads as follows:-

“7. That the petitioner is making payment regularly a

handsome amount of Rs. 10 thousand to the wife (O.P. NO.-2) can be proved from the perusal of the counter folio cash receipt granted by cashier civil court, Patna in every month.”

Considering the aforesaid facts, 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 J.M., 1st Class, Patna in connection with Complaint Case No. 3140C of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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