

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30739 of 2015

Arising Out of PS.Case No. -2578 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Vijay Lal Son of Late Veena Chandra resident of Road No. 2, Postal Park,
P.S. Kankarbagh, District - Patna 800001, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Jyotsana Prabha Sinha W/o Vijay Lal and Daughter of Shri Jagdish Prasad Sinha residing at House No. C/50, Road No. 6, Punaichak, P.S. Shastri Nagar, Patna - 800 023, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravish

For the Opposite Party/s : Mr. Prem Kr.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 30-07-2015

Heard learned counsels for the petitioner and
the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

The marriage between the petitioner and the informant having no issue is admitted fact.

It is submitted by learned counsel for the



petitioner that the petitioner filed Matrimonial Suit No. 149 of 2013 on 26.02.2013 for divorce on the ground of adultery but the same was within since it was filed within one year of the marriage. Subsequently the petitioner filed Matrimonial Suit No. 405 of 2012 on 21.05.2013 for divorce and thereafter the present complaint has been filed on 25.07.2013. However, the petitioner is ready to pay Rs.2,000/- per month from September, 2015 to the complainant by depositing the same in her account by second week of every succeeding month.

It is expected from the petitioner to serve a copy of this order to the complainant when it is expected from the complainant to supply the bank account number by submitting the same on affidavit before the learned court below within a period of three weeks. If the complainant refuses to accept the offer of the petitioner then the said amount will be deposited before the learned court below which will be invested in some fixed deposit scheme which will be subject to the result of the case.

Considering the fact that the matrimonial suit was filed by the petitioner at earlier point of time and the present stand of the parties, 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 Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No. 2578(C) of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

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

(Dinesh Kumar Singh, J)

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