

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4092 of 2015

Arising Out of PS.Case No. -137 Year- 2012 Thana -COMPLAINT CASE District- SUPAUL

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Ram Krishna Poddar @ Munna Son of Ram Swarup Poddar, Resident of
Hakpara Saharsa Ward No. 21 Police Station - Saharsa, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Binita Devi Wife of Ram Krishna Poddar @ Munna, Daughter of Dev Narayan Poddar, Residing at Simrahi Tola, Gandhi Nagar, Poice Station - Raghapur, District - Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 06-07-2015

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 in which processes have been directed to be issued after cognizance taken for the offences punishable under Section 498A and 494 the Indian Penal Code.

The accusation is of torture and performing second marriage.

The marriage between the petitioner and the complainant and birth of four children are admitted facts. Though,



the petitioner filed Matrimonial Suit No. 18 of 2012 for divorce prior to the lodging of the present complaint, but on the readiness of both the parties to reconcile the issue the matter was adjourned earlier and they were directed to appear before the learned court below on 2nd of May, 2015 when petitioner supposed to take the complainant and the children to keep them with full dignity and honour.

It appears that the issue could not be reconciled. The petitioner and the complainant are present in the Court and they are only playing game. Hence, the issue does not appear to be reconcile at present. The marriage between the petitioner and the complainant and birth of four children are admitted facts.

In the circumstances, the petitioner is ready to pay Rs.1,800/- per month from August, 2015 to the complainant by depositing the same in her account by second week of every succeeding month.

The offer is acceptable to the complainant, who undertakes to supply the bank account number by submitting the same on affidavit before the learned court below within a period of two weeks.

Considering the above 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 Sub-divisional Judicial Magistrate, Birpur, District - Supaul in connection with Complaint Case No. 137 of 2012, 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.

The present order will not preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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