

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34816 of 2015

Arising Out of PS.Case No. -22 Year- 2015 Thana -MAHILA P.S. District- SARAN

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Upendra Kumar Singh S/o Kapileshwar Singh Resident of Village Rasalpur,
Police Station Mohanpur, District Samastipur, Presently residing at V.I.P.
Building, V.I.P. Lane, Police Station Bhagwan Bazar, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Savita Singh D/o Chandeshwar Prasad Singh Resident of Village Gavahi,
Police Station Desri, District Hazipur at Vaishali, presently residing at
House of Chandeshwar Prasad Singh, Mohalla Purbi Anwarpur, Police
Station Nazipur Sadar, District Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ashfaq Ahmad, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2015

Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences punishable
under Sections 498A and 494/34 of the Indian Penal Code.

Learned counsel for the petitioner is permitted to make
necessary correction in the petition.

The basic accusation is of torture and performing second
marriage.

The marriage between the petitioner and the informant
having two female children is admitted fact.

It is submitted by learned counsel for the petitioner that
the petitioner never performed second marriage, a statement to that

effect has been made in paragraph 16 of the petitioner which reads as follows:-

"16. ... The petitioner completely deny the allegation of second marriage."

Learned counsel for the petitioner further submits that the petitioner filed Matrimonial Case No. 24 of 2015, for divorce, on 10.02.2015 and, thereafter, the present case has been filed on 27.05.2015. However, the petitioner is still ready to resume the conjugal life.

It is submitted by learned counsel for the informant that the petitioner has performed second marriage.

Learned counsel for the petitioner further submits that in compromise petition, filed before the learned court below, both sides agree to reside separately, the same has been brought on record as annexure 3 to the petition. However, the petitioner is ready to make payment of Rs.5,000/- (five thousand) per month to the informant from October, 2015 by depositing the same in the bank account of the informant by second week of every month.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

Considering the present stand of the parties, 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 Rs. 10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra, Saran in connection with Mahila P.S. Case No. 22 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the informant within a period of three weeks when it is expected that the informant 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 will give liberty to the informant to file an application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

Ashwini/-

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