

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36500 of 2015

Arising Out of Complaint Case No. -2912 Year- 2012 Thana -SARAN COMPLAINT CASE
District- SARAN

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Manoj Kumar Sharma @ Manoj Sharma, son of Sri Jawahar Sharma

.... Petitioner/s

Versus

1. The State of Bihar.

2. Smt. Mamta Sharma, w/o Manoj Kumar Sharma, d/o Bharat Pd. Sharma

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sharan

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein 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 admits his marriage with the complainant and has filed Matrimonial Case No.65 of 2014 for restitution of conjugal rights. The petitioner is still ready to keep the complainant and the children, born out of wedlock, with dignity and honour. A statement to that effect has been made in paragraph 12 of the petition which reads as follows:-

"12. That it is stated and humbly submitted that the petitioner is ready to keep the complainant as his legally married wife and all the kids and provide them adequate education."

Learned counsel for the petitioner further submits that in pursuance to order dated 21st March 2015 passed in Maintenance Case No. 157 of 2012, the petitioner is making payment of Rs.3000/- per month to the complainant.

Considering filing of restitution case and payment of maintenance amount of Rs.3000/- per month to the complainant, 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 SDJM, Chapra in connection with Complaint Case No.2912 of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order will not preclude the complainant to résumé the conjugal life and if she so wishes and files an application before the learned court below then learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this court.

(Dinesh Kumar Singh, J)

Ashwini/-

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