

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35998 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -KHIJARSARAI District- GAYA

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Santosh Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-08-2015

Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture. The marriage between the petitioner and informant is admitted fact.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Case No. 44 of 2015 for dissolution of marriage on 28.01.2015 and thereafter the present FIR was lodged on 01.04.2015.

In the circumstances, the petitioner is ready to pay ₹2,500/- 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.

Considering the matrimonial case filed at earlier point of time and the present stand of the petitioner, 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 Judicial Magistrate, 1st Class, Gaya in connection with Khizar Sarai P.S. Case No. 77 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)

Amrendra/-

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