

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44174 of 2014

Arising Out of PS.Case No. -211 Year- 2014 Thana -ROSERA District- SAMASTIPUR

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1. Laxman Das Son of Sundar Das resident of village- Batha, P.S.- Rosera,
District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar null null
2. Usha Devi Wife of Sri Lakman Das, D/o Umesh Das Presently residing at
village- Bhoja, P.S.- Khodawanpur (Chourahi O.P.), District- Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Opposite Party/s : Mr. Gopesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 30-03-2015 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 under sections 323,498A and 406 of the Indian Penal Code.

The basic accusation is of torture.

Notices were issued to the O.P. No. 2 on submission of learned counsel for the petitioner that the petitioner is ready to keep O.P. No. 2 as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 9 of the petition which reads as follows:

“That petitioner is always ready to keep the complainant

with full dignity, care and regards.”

The informant and the petitioner are present. Even today, similar is the stand of petitioner but O.P. No. 2 is reluctant to reconcile the issue due to past conduct of the petitioner. Marriage between the petitioner and the O.P. No. 2 and birth of a female child are admitted. The petitioner, in alternative, is ready to pay Rs. 1,500/- per month to the informant from May, 2015 by depositing the same in the bank account of the informant by second week of every month. The offer is acceptable to the informant who is not opposing the prayer for bail of the petitioner.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year, 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 Additional Chief Judicial Magistrate, Rosera in connection with Rosera P.S. Case No. 211 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 within three weeks.

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)

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