

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38869 of 2015

Arising Out of PS.Case No. -328 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Rakesh Kumar, Son of Ram Das Choudhary, Resident of Village-
Maudah Bujurg, Post Maudah Bujurg, P.S. Patepur, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Priyanka Devi Wife of Rakesh Kumar and daughter of Ram Sagar
Sah. Resident of Village- Salha, P.S. Patepur. [Sahdei Bujurg O.P]
District Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rathore Vasundhara

For the Opposite Party/s : Mr. Ram Chandra Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-08-2015

Petitioner being husband of the complainant

apprehending his arrest in a complaint case wherein processes
were directed to be issued after cognizance being taken for the
offences under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
complainant on 13.05.2011. The petitioner filed Matrimonial
Suit No. 290 of 2013 for divorce on 06.12.2013 and thereafter
on 13.01.2014 the present complaint was filed.

In the alternative, petitioner is ready to make
payment Rs. 1500/- to the complainant from October, 2015, by
depositing the same in the bank account of the complainant by
second week of every month.

Considering the filing of matrimonial suit at

earlier point of time and the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 2nd Class, Vaishali at Hajipur in connection with Complaint Case No. 328 of 2014.

The petitioner undertakes to supply the order of this order to the complainant within a period of two weeks when it is expected from the complainant to supply her bank account number within a period of three weeks thereafter by filing the same on affidavit before learned Court below. If the complainant fails to submit such affidavit then the aforesaid payment will be deposited before learned Court below which will be invested in some fixed deposit scheme which will be subject to the result of the case.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

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