

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40913 of 2015

Arising Out of Complaint Case No. -561 Year- 2015 Thana -SITAMARHI COMPLAINT CASE
District- SITAMARHI

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Ajay Kumar @ Ajay Kumar Gupta

.... Petitioner/s

Versus

1. State of Bihar
2. Priti Kumari, daughter of Vijay Shankar Prasad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 31-08-2015

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.

On instruction, learned counsel for the petitioner
submits that the petitioner admits his marriage with the
complainant on 12.02.2015 but, the complainant never allowed the
petitioner to consume the conjugal life. The petitioner has filed
Matrimonial Case No. 77 of 2015 on 21.03.2015 with a prayer

for declaring the marriage *null and void* whereas the present complaint has been filed on 18.04.2015. The petitioner is ready to make payment of Rs. 2000/- (two thousand) *per month* to the complainant from October, 2015 by depositing the same in the bank account of the complainant by second week of every month.

It is submitted by learned counsel for the complainant that the complainant is still ready to resume the conjugal life with the petitioner and the allegation levelled by the petitioner is absolutely false. The complainant undertakes to submit bank account on affidavit before the learned court below within a period of three weeks.

Considering filing of the matrimonial suit 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 Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Sadar, Sitamarhi in connection with Complaint Case No.C-1/561 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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