

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50969 of 2014

Arising Out of PS.Case No. -1659 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Krishna Kumar @ Krishn Kumar Son of Om Prakash Sah Resident of
Village - Kalibagh, Ward No.3, P.S.- Bettiah (Town), District - West
Champaran

.... Petitioner

Versus

1. The State of Bihar
2. Seeta Devi Wife of Krishna Kumar @ Krishn Kumar Daughter of Late
Sheshnath Sah Resident of Village - Kalibagh, Ward No.3, Bettiah
(Town), District - West Champaran at present Village - Malahi Tola,
P.O.- Baluarampur P.S.- Bairiya, District - West Champaran

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey
For the Opposite Parties : Mr. Manish Kumar No.2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2015

Petitioner being husband of the complainant

is apprehending his arrest in a complaint case in which
processes have been directed to be issued after cognizance
being taken for the offences punishable under Section 498A of
the I.P.C.

The basic accusation is of torture.

The marriage between the petitioner and the
complainant and birth of two female child are admitted facts.

It is submitted by learned counsel for the
petitioner that though the present complaint was filed on
07.06.2013 but the complainant eloped with the maternal
brother of the petitioner when the petitioner filed Bariya P.S.

Case No. 161 of 2013 in which charge-sheet has been submitted under Sections 323, 341, 504/34 of the I.P.C against the maternal brother of the petitioner. An application under Section 13(B) of the Hindu Marriage Act was filed for dissolution of marriage vide Matrimonial Suit No. 163 of 2013 on 29.05.2013 but the same appears to have been withdrawn as the complainant failed to comply the promise made to the petitioner and thereafter the petitioner filed Matrimonial Suit No. 331 of 2013 for dissolution of marriage.

In the background of chequered relationship between the petitioner and the complainant the reconciliation does not appear to be feasible at present.

It is submitted by learned counsel for the petitioner that petitioner is unemployed but he is ready to make payment of Rs. 1500/- per month to the complainant, though the complainant is working as agent in the post office and income tax payee.

It is submitted by learned counsel for the complainant that complainant is not income tax payee. But learned counsel for the complainant accepts the offer of the petitioner.

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

for the complainant undertakes that complainant will supply her bank account number within a period of three weeks by filing the same on affidavit before learned Court below.

Considering the present stand of the parties, 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, 1st Class, Bettiah, West Champaran in connection with Trial No. 2990 of 2014, arising out of Complaint Case No. 1659 of 2013.

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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