

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51240 of 2014

Arising Out of PS.Case No. -643 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Dr. Mukesh Kumar S/o Yadunandan Prasad R/o Mohalla Friends Colony,
Road No. 3, P.S. Rajiv Nagar, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyadarshini Wife of Dr Mukesh Kumar, D/o Sri Umesh Kumar R/o Mohalla Bahal Khana Road, Chhoti Kalyani, P.S.Town, P.O. Ramna, District Muzaffarpur at present Amudh Vinayak medical College, 1st year P.G. Dept of Radiology Cuddalore, Main Road, Edumbakka, Pudduchery 607402

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudal Prasad

For the Opposite Party/s : Mr. P.K.Choursiya(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 26-06-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have 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.

The marriage between the petitioner and the complainant being performed on 18.04.2012 having no issue is admitted fact. Petitioner and the complainant are present.

The petitioner filed Matrimonial Suit No. 382 of 2013 on 14.05.2013 for dissolution of the marriage in which complainant appeared 18.02.2014 and thereafter the present complaint has been filed on 11.03.2014. The conciliation also not appear to be feasible at present.

Both the petitioner and the complainant agree to part ways on payment of permanent alimony of Rs.15,00,000/- (Fifteen lakhs) within a period of one year. The offer of the petitioner to make such payment is acceptable to the complainant who is present in the Court.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Complaint Case No. 643 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail of the petitioner will be accepted on deposit of Rs.3,00,000/- (Three lakhs) at the time of executing of bail bond and the rest amount of Rs.12,00,000/- (Twelve lakhs) in

three-four monthly installments of four lakhs each. The same will be deposited before the learned court below through bank draft. The first installment of three lakhs will be released in favour of the complainant on filing an application in Matrimonial Suit No. 382 of 2013 by both the parties under Section 13B of the Hindu Marriage Act. It is expected from learned Principal Judge, Family Court, Patna to dispose of the Matrimonial Suit No. 382 of 2013 expeditiously.

The complainant will also file an appropriate application in Complaint Case No. 643 of 2014 before the learned court below to the effect that the issue has been reconciled between the parties and it is expected from learned Chief Judicial Magistrate, Muzaffarpur to dispose of Complaint Case No. 643 of 2014 expeditiously.

The last three installments shall be deposited by the petitioner through bank draft before the learned court below within the time frame stipulated above which will be released to the complainant within one week of passing of the decree in matrimonial suit.

(Dinesh Kumar Singh, J)

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