

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14400 of 2014

Arising Out of PS.Case No. -971 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Abhishek Shahi @ Rajnish Sahi S/O Dinesh Shahi R/O Vill- Balthari, P.S-
Kuchaykot, Distt- Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Simpi Devi D/o Harendra Singh, R/o village – Balthani, P.S. Kuchaikot,
District – Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 10-04-2015

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 filed

with accusation under Sections 323, 498A and 406 the Indian

Penal Code.

The basic accusation is of torture.

On prayer of both sides the matter was

referred to the Mediation Centre, but the report of the Mediator at

Flag ‘A’ reflects that none appeared before the Mediator.

It is submitted by learned counsel for the

petitioner that the marriage between the petitioner and the complainant was solemnized on 23.06.2011. The petitioner and the complainant have no issue out of the wedlock. The complainant filed Matrimonial Suit No. 140 of 2013 on 22.08.2013 seeking divorce on the ground of torture and cruelty when the present complaint was filed on 22.04.2013.

It is submitted by learned counsel for the complainant that the complainant does not want to reside with the petitioner and claims some monthly amount for her welfare.

Though, counsel for the petitioner submits that the petitioner is still ready to keep the complainant with full dignity and honour or in alternative the petitioner is ready to pay Rs.1,500/- per month from May, 2015 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the offer of the petitioner is acceptable to the complainant and undertakes to supply the bank account number on affidavit before the learned court below on affidavit within a period of three weeks.

In the circumstances, the counsel for the complainant 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 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Complaint Case No. 971 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

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

(Dinesh Kumar Singh, J)

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