

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48177 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -MAHILA P.S. District- SAMASTIPUR

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Baidnath Giri @ Baidh Nath Giri

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-10-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

The basic accusation is of torture and making assault.

It is submitted by learned counsel for the petitioner that the petitioner married with the informant ten years prior to lodging of the case and thereafter two children were born out of wedlock. The petitioner married with the informant with her consent since from the first wife there was no issue. Though, the petitioner is still ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 9 of the petition which reads as follows:-

“That it is submitted that the petitioner is still

ready to keep his wife and children with full dignity as per capacity.”

Learned counsel for the informant submits that the informant is not ready to resume the conjugal life as she is not willing to stay with the first wife of the petitioner. However, she claims some monthly allowance for the welfare of the children.

It is submitted by learned counsel for the petitioner that the petitioner is ready to pay ₹5,000/- per month to the informant from November, 2015 by depositing the same in the bank account of the informant by second week of every month.

Learned counsel for the informant, on instruction, submits that the informant is ready to accept the offer of the petitioner who undertakes to supply her bank account number to the petitioner by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Add. Chief Judicial Magistrate, Samastipur in connection with Women P.S. Case No. 04 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 informant to file an application for cancellation of bail of the petitioner.

The present order in no way will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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