

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46551 of 2014

Arising Out of PS.Case No. -344 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Abhijat Kumar @ Pawan, Son of Sri Ganauri Prasad, Resident of village –
Sikandra, Police Station – Silao, District – Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Akbar Ali(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

04/ 17-07-2015

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 and 406/34 the Indian Penal Code.

The basic accusation is of torture.

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

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 151 of 2013 for divorce on 11.07.2013 and thereafter the present

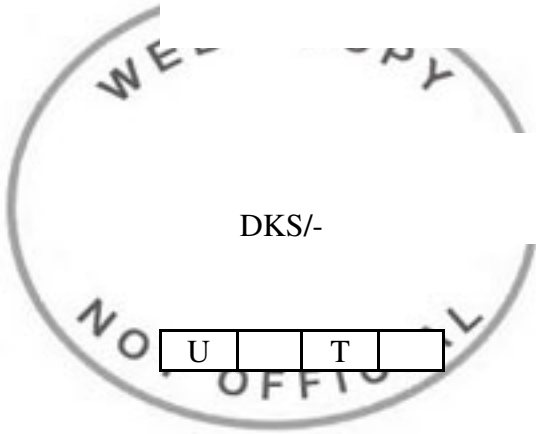
complaint was filed on 31.03.2014. Moreover, in pursuance to the order passed in maintenance proceeding the petitioner is making payment of Rs.2,000/- per month regularly to the complainant. Though, the petitioner offered for payment of permanent alimony but the same is not acceptable to the complainant.

It is submitted by learned counsel for the complainant that the matrimonial suit was filed while the complainant was at her in-laws house by duping her and the complainant is not ready for receiving the permanent alimony. She only wants to resume the conjugal life.

Considering the fact that the matrimonial suit was filed for divorce by the petitioner at earlier point of time and the petitioner is making payment of maintenance amount, 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 Judicial Magistrate, Ist Class, Biharsharif, Nalanda in connection with Complaint Case No. 344C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Three consecutive defaults in making

payment will give liberty to the informant to file application for
cancellation of bail bond of the petitioner.



DKS/-

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(Dinesh Kumar Singh, J)