

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27216 of 2015

Arising Out of PS.Case No. -658 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Upendra Prasad Son of Raghuni Patel resident of village - Bhitahan, Police
Station - Bairia, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Neelu Devi Wife of Upendra Prasad, Daughter of Sheshnath Prasad
resident of Nurakhap Nawaka Tola, Police Station - Bettiah Muffassil,
District - West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Aditya Narayan Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 02-11-2015

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

Sections 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present

in the Court.

It is submitted by learned counsel for the

petitioner that the petitioner has performed second marriage since the complainant has deserted him.

It is submitted by learned counsel for the complainant that that marriage between the petitioner and the complainant and birth of a female child are not in dispute and since the petitioner has performed second marriage the reconciliation at present is not feasible.

However, counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2,000/- per month from December, 2015 to the complainant by depositing the same in her account by second week of every month.

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

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 Sub-divisional Judicial Magistrate, West Champaran, Bettiah in



connection with Complaint Case No. 658-C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file 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.)

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