

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54620 of 2015

Arising Out of PS.Case No. -825 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Dilip Kumar, S/o Umesh Singh, resident of village- Rajwara, Police
Station- Baheri, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Shiv Kumari Devi @ Munni Devi, W/o Dilip Kumar, D/o Shivji
Mandal, resident of village- Goura, Police Station- hathori, District-
Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Md.Iftekhar Mahmood(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 01-12-2015 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 11 of the petition which reads as follows:-

“That seeing the social status
of family, the petitioner and the

complainant agreed to dissolve their marriage and for this, they executed an agreement in the presence of witnesses. However, the petitioner is still ready to keep the informant despite her medical and physical condition but the complainant refused to live with the petitioner and the same is also reflected from the order passed by the court below.”

Since the complainant has refused to accept the offer of the petitioner due to conduct of the petitioner. In such circumstances, however, the counsel for the petitioner submits that petitioner is ready to pay Rs.1,000/- per month from January, 2016 to the complainant by depositing the same in her account by second week of every month.

Considering the present stand of the petitioner, 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 Sri Ravi Pandey, J.M., Ist Class, Darbhanga in connection with Complaint Case No. 825 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to serve a copy of the order to the complainant within a period of three weeks when it is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks. The aforesaid payment

will be subject to any order being passed in matrimonial or maintenance 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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