

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6837 of 2015

Arising Out of PS.Case No. -714 Year- 2014 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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05.Braj Kishore Singh @ Brij Kishore Singh son of Sri Ram Singh,
Resident of Village- Pachpakaria, Purab Tola, P.S.- Gautam Budhha
Nagar, District- Siwan

.... Petitioner/s

Versus

1.The State of Bihar

2. Babita Devi, Wife of Braj Kishore Singh, Daughter of Rajaram Singh,
Resident of Village- Pachpakaria, P.S.- Gautam Budhha Nagar, District-
Siwan. At present- Bashpoli, P.S.- Siwan Muffasil, District- Siwan

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Gajendra Prasad Yadav (App)

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

ORAL ORDER

3 05-05-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A and 406 of the Indian Penal Code.

The basic accusation is of torture. The factum of marriage between the petitioner and the complainant having no issue is admitted fact.

The complainant and the petitioner are present. The complainant is ready to resume the conjugal life. However, the



petitioner is not ready to accept the offer since the petitioner has filed Matrimonial Suit No. 85 of 2014 for divorce though subsequent to the filing of the complaint. However, the petitioner is ready to pay Rs.2,000/- per month to the complainant from June, 2015 by depositing the same in the bank account of the complainant by second week of every month. The offer is acceptable to the complainant who undertakes to supply her bank account number to the petitioner by filing the same on affidavit before the learned court below within three weeks.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Siwan in connection with Complaint Case No. 714 of 2014 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 or any other related proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application

for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

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