

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10679 of 2015

Arising Out of PS.Case No. -23 Year- 2014 Thana -MAHILA PS District- AURANGABAD

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1. Kanhaiya Pandey @ Kanhaya Pandey, Son of Sri Kedar Pandey,
Resident of Village + Post - Gheura , P.S. - Risiup, District -
Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeshwar Singh

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 11-08-2015

Petitioner being husband of the informant

is apprehending his arrest in a case registered for the offences punishable under Section 498A, 307/34 of the Indian Penal Code.

The basic accusation is of torture and driving out the informant from the matrimonial house after snatching all her belongings.

The petitioner and informant/O.P. No. 2 are present.

It is submitted by learned counsel for the petitioner that marriage between the petitioner and informant is admitted but informant deserted the petitioner in 2008 and after filing of Matrimonial Suit No. 132 of 2014 for divorce the present case has been lodged. Hence the reconciliation at present does not appear to be feasible. However counsel for the informant submits that informant is still ready to resume the

conjugal life.

In the alternative, petitioner is ready to make payment of Rs. 1800/- to the informant from September, 2015, by depositing the same in the bank account of the informant by second week of every month. The aforesaid offer is acceptable to the informant who undertakes to supply the bank account number within a period of two weeks by filing the same on affidavit before learned Court below.

Considering the stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Mahila P.S. Case No. 23 of 2014.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate 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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