

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10125 of 2015

Arising Out of PS.Case No. -205 Year- 2013 Thana -COMPLAINT CASE District- SHEOHAR

=====

Kundan Chaudhary @ Kundan Kumar Chaudhary

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Suman Kumar

For the Opposite Party/s : Mr. Sharda Kumari (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2015

Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture. The marriage between the petitioner and the complainant is admitted but the contention of the learned counsel for the complainant that the petitioner has performed second marriage, has not been denied by the petitioner.

In such circumstance, the reconciliation is not feasible.

In the alternative, the petitioner is ready to pay ₹1,500/- per month to the informant from April, 2015 by depositing the same in the bank account of the complainant by second week of every month.

On instruction, learned counsel for the complainant submits that the offer of the petitioner is acceptable to the complainant who undertakes to supply her bank account number to the petitioner within a period of two weeks by filing the same on affidavit before the learned court below.

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 Sub-divisional Judicial Magistrate, Sheohar in connection with Complaint Case No. C1/205 of 2013, 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 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.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--