

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20983 of 2015

Arising Out of PS.Case No. -551 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Shambhu Kumar Singh Son of Vijay Kumar Singh @ Randhir Singh R/o
village - Ekari, P.S. Ekma, Distt. - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Gunja Devi Wife of Shambhu KUMar Singh, D/o Vinay Kumar Singh
R/o village - Ekari, P.S. Ekma, Distt. - Saran at present residing at
village Daftar Pur PO and P.S. Doriganj, Distt. Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra

For the Opposite Party/s : Mr. M.Rab(App)

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

03/ 14-09-2015

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
Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The marriage between the petitioner and the
complainant on 11.05.2006 and birth of a male child are
admitted facts.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 16 of 2014 on 16.01.2014 with a prayer for divorce and thereafter the present complaint was filed on 25.02.2014 and in pursuance to the order passed in maintenance proceeding the petitioner is making payment of Rs.5,000/- to the complainant.

It is submitted by learned counsel for the complainant that the complainant is ready to resume the conjugal life. The counsel for the complainant further prays for enhancement of the maintenance amount. Let the complainant file such application before the learned court below.

Considering the fact that the matrimonial suit was filed at earlier point of time by the petitioner and making payment of Rs.5,000/- as maintenance, though, it is submitted by learned counsel for the complainant that the maintenance amount is not being paid regularly, 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, Saran at Chapra in connection with



Complaint Case No. 551 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds shall be accepted on verification of the fact that up-to-date maintenance amount has been paid to the complainant.

Two consecutive defaults in making payment shall 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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