

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19911 of 2015

Arising Out of PS.Case No. -43 Year- 2014 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

Mithlesh Ram, Son of Suresh Ram, Resident of village Manpur, Police
Station Sare, District – Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Aarti Devi, Daughter of Madan Ram, Resident of village Bhausi, Police
Station Korma, District – Sheikhpura.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 22-09-2015

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 complainant claims to have married with

the petitioner on 17.12.2013.



It is submitted by learned counsel for the petitioner that the father of the petitioner filed Complaint case No. 72C of 2014 on 18.01.2014 wherein it was alleged that the petitioner was being kidnapped. The said complaint came to be registered as police case being Sare P.S. Case No. 24 of 2014 on 11.03.2014 and thereafter the present complaint was filed on 05.02.2014. Hence, the petitioner disputes the factum of marriage whereas it is submitted by learned counsel for the complainant that the marriage was performed on 17.12.2013 and in order to save his skin the complaint was filed by the father of the petitioner on 18.01.2014 and inconsistency in 164 Cr.P.C. statement of the petitioner in the kidnapping case lodged by the father of the petitioner reflects that the petitioner got married with the complainant of his own. The statement under Section 164 Cr.P.C. was recorded on 26.05.2014 when the petitioner returned to his house of his own.

Considering the nature of dispute, the reconciliation is not feasible.

However, the petitioner is ready to pay Rs.1,700/- per month from October, 2015 to the complainant by depositing the same in her account by second week of every

month.

The counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number by filing the same on affidavit before the learned court below within a period of two weeks. However, the complainant is still ready to resume the conjugal life.

Considering present stand of the parties, 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 Judicial Magistrate, Ist Class, Lakhisarai in connection with Complaint Case No. 43C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The above payment, in no way, will create a right of being claimed as wife of the petitioner

However, the aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected 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 will not preclude the parties to
resolve the issue otherwise.



(Dinesh Kumar Singh, J.)

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