

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22282 of 2015

Arising Out of PS.Case No. -156 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Pratika Kumar S/O Uday Chand Resident of Mohalla- Mathuria, P.O.-
Biharshrif, P.S.- Laheri, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Ruby Kumari W/o Pratik Kumar and D/O Sri Bijendra Prasad @ Bijay Singh Resident of Mohalla- Nasriganj, Trimurtinagar, Kissan Flour, near Biscuit Factory Road (adjacent to Glass Factory), P.S.+ P.O.- Danapur, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Nath Vishawas

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 21-09-2015

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 Sections 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits love marriage with the complainant on 16.09.2009, but subsequently the petitioner received threats

from some boy who had some illicit relationship with the complainant. The petitioner filed Matrimonial Suit No. 258 of 2013 on 11.12.2013 for divorce and thereafter the present complaint was filed on 07.02.2014. In the circumstances, the reconciliation is not feasible.

It is submitted by learned counsel for the complainant that the petitioner has levelled obnoxious accusation. The petitioner performed love marriage with the complainant and the complainant's parents bore education expenditure of the petitioner and now the petitioner after becoming a technical graduate has changed his stand and wants to perform second marriage. The complainant is ready to resume the conjugal life.

Counsel for the petitioner, in the alternative, submits that the petitioner is ready to pay Rs.2,500/- per month from October, 2015 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the complainant accepts the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of two weeks.

Considering the 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 Sub-divisional Judicial Magistrate, Danapur, Patna in connection with Complaint Case No. 156C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Dinesh Kumar Singh, J.)

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