

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43809 of 2014

Arising Out of PS.Case No. -2115 Year- 2012 Thana -COMPLAINT CASE District- ARRARIA

=====

1. Md. Azhar Son of Alisher Resident of Village- Chirah, P.S.-
Mahalgaon, District- Araria.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Anil Prasad Singh

For the Opposite Party : Mr. Aslam Ansari(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 19-05-2015

Petitioner being husband of the complainant

is apprehending his arrest in a complaint case wherein
processes were directed to be issued after cognizance being
taken for the offences under Section 498A of the Indian Penal
Code.

The basic accusation is torture.

The notices were issued to the complainant
vide order dated 15.12.2014 on submission of learned counsel
for the petitioner that petitioner is ready to keep the
complainant with dignity and honour.

The petitioner is present and admits that he
has performed second marriage but in spite of that he is ready
to keep the complainant with dignity and honour.

Learned counsel for the complainant submits
that since petitioner has performed second marriage,
complainant is not ready to resume the conjugal life.

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

In the alternative, the petitioner is ready to make payment of Rs. 2000/- to the complainant from July, 2015, by depositing the same in the bank account of the daughter of complainant by second week of every consecutive month. The aforesaid offer is acceptable to the counsel appearing on behalf of the complainant who undertakes that complainant will supply her bank account number within a period of three weeks by filing the same on affidavit before learned Court below.

Considering the present 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 Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 2115C of 2012.

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

Three consecutive defaults in making payment will give liberty to the complainant 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.

Shageer/-

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

(Dinesh Kumar Singh, J)