

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33281 of 2015

Arising Out of PS.Case No. -2184 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Asgar Beg

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sanjay Kumar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-08-2015

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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant in the year 1996 but subsequently the petitioner divorced the complainant as per the Muslim rites and filed Matrimonial Suit No. 210 of 2014/615 of 2014 for confirmation of the same. The petitioner is making payment of ₹7,000/- per month voluntarily for maintenance of the complainant and her daughter. It is further submitted that the petitioner got purchased a land and constructed the house wherein the complainant is residing at present.

It is submitted by learned counsel for the complainant that the complainant is still ready to reconcile the issue. The petitioner is not appearing in the Maintenance Case No. 242M of 2013 pending in the court of learned Principal Judge, Family Court, Bettiah and in alternative, the complainant claims enhancement in the quantum of monthly payment.

Considering the rival submissions of the parties and keeping in view that the petitioner claims to have divorced the complainant and is making payment of Rs.7,000/- to the complainant, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, West Champaran at Bettiah in connection with Complaint Case No. 2184C of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on filing proof that he has already appeared in the maintenance case.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will be give liberty to the complainant to file an application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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