

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37639 of 2015

Arising Out of PS.Case No. -266 Year- 2015 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

Satyendra Kumar Choudhary Son of Late Sri Ram Chandra Choudhary
Resident of Mohalla - Chak Abdul Wahid, Majhaulia Road, P.S. Kazi
Mohammadpur, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 29-10-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 494, 498A and 506 of the
Indian Penal Code.

The basic accusation is of torture and
performing second marriage.

It is submitted by learned counsel for the

petitioner that the marriage between the petitioner and the informant is admitted but the petitioner filed Matrimonial Suit No. 151 of 2015 on 17.04.2015, thereafter the present FIR was lodged on 18.06.2015, though, a separate complaint with similar accusation being Complaint Case No. 1574 of 2015 was filed on 17.06.2015 which is still pending for enquiry.

The matter was referred to the Mediation on the joint prayer of the parties, but it appears from the report of the Mediator dated 16.10.2015 that the petitioner is ready to keep the informant as wife but the informant refused to accept the offer since the petitioner has performed second marriage.

It is submitted by learned senior counsel for the informant that the informant is leading a deserted life with her unmarried daughter and has to bear the expenditure of her education also.

In the alternative, the petitioner is ready to make payment of Rs.8,000/- per month from November, 2015 to the informant for the education of the daughter by depositing the same in informant's account by second week of every month and petitioner will further allow the informant and the daughter the right of residence in the portion of the house registered in the name of the informant situated at Majhaulia Road in



Muzaffarpur town.

It is submitted by learned counsel for the informant that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of ten days.

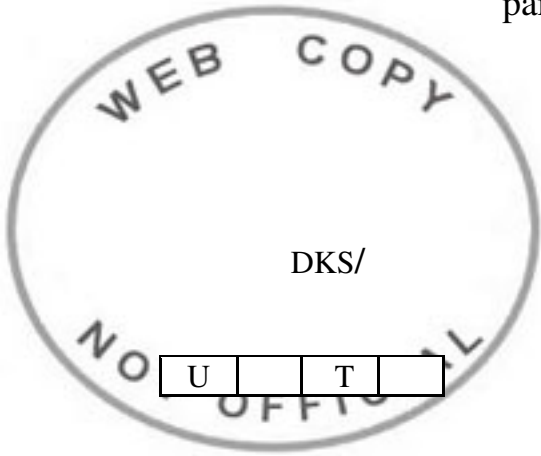
Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 266 of 2015, 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 informant 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.)