

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40933 of 2015

Arising Out of Complaint Case No. -4540 Year- 2013 Thana -PATNA COMPLAINT CASE
District- PATNA

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Rohit Raj, son of Dr. Satyanarayan Lal Das

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Gajendra Pd. Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 31-08-2015

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/34 of the Indian Penal Code.

The basic accusation is of toruter.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant on 20.06.2010 and has filed Matrimonial Suit No. 401 of 2013 on 20.11.2013 before the Family Court at Ranchi, which has now been transferred to Patna in view of the order of Apex Court and, thereafter the present case has been filed on 23.12.2013. The



prosecution of the parents of the petitioner has been quashed by a coordinate bench of this Court vide Criminal Miscellaneous No.44779 of 2014. The petitioner is ready to make payment of Rs.2000/- (two thousand) *per month* to the complainant from October, 2015 by depositing the same in the bank account of the complainant by second week of every month.

Considering lodging of matrimonial suit at earlier point of time and the present stand of the petitioner, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No.4540 C of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the complainant within a period of three weeks when it is expected that the complainant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below.

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

If the complainant fails to submit the bank account or refuses to accept the offer of the petitioner, the same will be deposited before the learned court below, which will be deposited in a fixed deposit scheme, subject to result of the case.

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

Ashwini/-

(Dinesh Kumar Singh, J)

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