

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42197 of 2015

Arising Out of PS.Case No. -796 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Sunil Kumar Sah @ Sunil Sah
 2. Reeta Devi.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the complainant and petitioner no.2 alleged to be the second wife of petitioner no.1 are 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 petitioners that earlier Complaint Case No. C-1 1077 of 2011 was filed with similar accusation wherein the petitioner no.1 is on anticipatory bail and in pursuance to the bail order, the petitioner no.1 is making payment of Rs.2,000/- per month to the complainant and the last payment was made on 31.07.2015, statement to that effect

has been made in para 2 and 3 of the supplementary affidavit which reads as follows:-

“2. That it may humbly be stated that in para 6 of the main bail application it has already been stated that this Hon’ble High Court, while admitting the petitioner on anticipatory bail in connection with C/1-1077/2011 directed the petitioner vide order dated 26.11.2012 (Annexure-2) to make payment of Rs. 2,000/- per months to the complainant.

3. That it may humbly be stated and submitted that the petitioner is continuously making payment to the complainant (O.P. No.2) and in continuation thereof he recently made payment on 31.07.2015 to the complainant namely Sobha Devi @ Sobha Kumari.”

Considering the fact that in earlier complaint filed with similar accusation, the petitioner no.1 was granted anticipatory bail, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Sadar, Sitamarhi in connection with Complaint Case No. C-1/796 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted on producing proof with regard to up to date payment of monthly

amount to the informant in pursuance to the earlier anticipatory bail order.

Three consecutive defaults in making payment by petitioner no.1 will give liberty to the informant to file an application for cancellation of bail of petitioner no.1.

(Dinesh Kumar Singh, J)

Amrendra/-

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