

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38150 of 2015

Arising Out of PS.Case No. -759 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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1. Rabind Sah @ Rabindra Sah @ Rabin Sah, son of Udaychand Sah,
resident of village- Terhi Mushahari, P.S. Forrbesganj, Dist. Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Kiran Devi, W/o Rabin Sah, D/O Rajendra Sah, Resident of Town
Forbesganj, Ward No.24 P.S. Forbesganj, Dist. Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-12-2015 Though the matter was listed under the heading 'For Orders' due to non receipt of service report but since the counsel for the complainant has already appeared, the matter is being taken up for Admission.

Heard learned counsels for the petitioner, complainant and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present in court.



It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children; one is residing with the petitioner and the other with the complainant. The petitioner has filed Matrimonial Suit with the prayer for divorce on earlier point of time, thereafter complaint has been filed even then the petitioner is ready to keep the complainant as wife with due dignity and honour.

Learned counsel for the complainant submits that the complainant is not ready to accept the offer as she is apprehensive due to past conduct of the petitioner. However, it is submitted that the petitioner is ready to make payment of Rs.1800/- per month from January, 2016 by depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant is ready to accept the offer and undertakes to provide the bank account number of the complainant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, 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 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 SDJM, Araria in connection with Complaint Case No. 759C of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

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.

The present order will, in no way, preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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