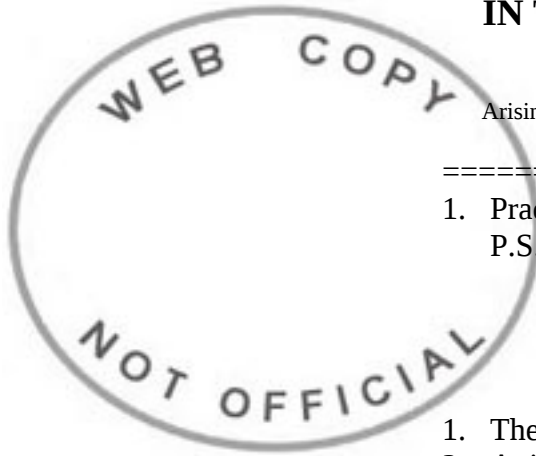




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33798 of 2014

Arising Out of PS.Case No. -88 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Pradeep Sharma Son of Sushil Sharma Resident of Village-Manjhok,
P.S.-Balua Belon (Kadwa), District-Katihar.

.... Petitioner

Versus

1. The State of Bihar
2. Anjali Wife of Pradeep Sharma, D/o Madan Sharma Resident of
Village-Munjhok, P.S.-Balua Belong (Kadwa), District-Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Musowir
For the Opposite Parties : Mr. Ram Anurag Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 30-04-2015 Petitioner being husband of the complainant

is apprehending his arrest in a complaint case wherein

processes were directed to be issued after cognizance being

taken for the offences under Sections 406, 494, 498A/34 of the

Indian Penal Code.

The basic accusation is torture and
performing second marriage.

The petitioner and the complainant are
present. The factum of marriage between the petitioner and the
complainant and birth of three children are admitted facts, out
of which two children are with the petitioner and one infant
child is with the complainant. Since the petitioner admits that

he has performed second marriage, hence the reconciliation appears to be not feasible.

The complainant confines her claims to due maintenance amount granted vide order dated 03.01.2015 passed by learned Principal Judge, Family Court, Katihar, whereby the maintenance of Rs. 2000/- was awarded to the complainant Anjali Devi and Rs. 1000/- to her infant child Sudama Sharma. The maintenance amount was directed to be paid from the date of the order i.e. 03.01.2015.

The petitioner undertakes to make up-to-date payment of the maintenance amount as directed by learned Court below within a period of two months.

Considering the present stand of parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for two months, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 88 of 2014.

The provisional bail of the petitioner will be confirmed by learned Court below on up-to-date payment of maintenance amount by the petitioner.

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

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

(Dinesh Kumar Singh, J)

