

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27608 of 2015

Arising Out of PS.Case No. -77 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Santosh Kumar Son of Laali Prasad, Resident of Village - Sursand, P.S. -
Sursand, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari, D/o Raj Kishore Sah, W/o Santosh Kumar, R/o
Village - Rajwada, P.S. - Sonbarsa, District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa
For the Opposite Party/s : Mr. R.S.Chaudhary (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

3 09-11-2015 Heard learned counsels for the petitioner and

the State.

The petitioner being husband of the

complainant is apprehending arrest in a complaint case in

which process has been directed to be issued after

cognizance being taken for the offences punishable under

Sections 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 on 8.6.2011. The petitioner filed Matrimonial Case No. 11 of 2014 for divorce whereas the present complaint has been filed on 24.2.2014. The petitioner is making payment of maintenance of Rs.4000/- to the complainant pursuant to the order passed by the learned Principal Judge, Family Court, Sitamarhi.

Learned senior counsel for the complainant submits that the complainant is ready to resume the conjugal life and the petitioner is an employee in Railways and getting a salary of more than fifty thousand per month.

Considering the filing of matrimonial suit for divorce at earlier point of time and submission of learned counsel for the petitioner that the petitioner is making payment of maintenance to the complainant, 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 CJM, Sitamarhi in connection with Complaint

Case No. C1-77 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as the quantum of maintenance is concerned, if the complainant is dissatisfied, she will be at liberty to raise the same before the appropriate forum.

(Dinesh Kumar Singh, J)

Anil/-

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