

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42103 of 2015

Arising Out of PS.Case No. -368 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Sanjay Sharma

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-09-2015

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 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 2 of the supplementary affidavit, which reads as follows:-

“That the petitioner is ready and willing to keep his wife with dignity of wife..”

It is further submitted that similar was stand of the

petitioner before the learned court below but the complainant refused to accept the offer of the petitioner which gets reflected from impugned order which reads as follows:-

“The complainant has appeared in this case and has stated that her husband the petitioner ousted her from the house after putting torture and assault upon her for non-fulfillment of the demand of dowry and thereafter, as per decision of the Panchayat on so many times, she went with him, but he uses to re-oust her after putting torture and assault upon her and has threatened if she will live with him she will be killed and to support the same she has put her signature in the margin of the order sheet. The petitioner has also appeared and has stated that his wife the complainant uses to go at her Naihar as per her own will and she does not want to live with him. Under the circumstances reconciliation is not possible.”

In the circumstances, the petitioner is ready to pay ₹1,500/- 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 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,

Vaishali at Hajipur in connection with Complaint Case No. 368 of 2014, 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.

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 grant of bail to the petitioner will not preclude the complainant to resume the conjugal life and if she files any such application before the learned court below then the learned court below will issue notice the petitioner when the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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