

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31598 of 2014

Arising Out of PS.Case No. -341 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Bir Bahadur Sah Son of Dhruv Sah
 2. Reena Devi Wife of Bir Bahadur Sah Both resident of village-
Ahirawalia, P.S.- Katwa, District- East Champaran.
- Petitioners

Versus

1. The State of Bihar
- Opposite Party
- =====

Appearance :

For the Petitioners : Mr. Umesh Tiwari
For the Opposite Party : Mr. Satyendra Nr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-05-2015 Petitioner No. 1 being husband of the complainant and petitioner No. 2 being second wife of petitioner No. 1 are apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Sections 323, 498A, 504/34 of the Indian Penal Code.

The basic accusation is of torture.

The factum of marriage between the petitioner No. 1 and the complainant and birth of a female child are admitted facts.

The petitioner No. 1 is ready to keep the complainant and their daughter with dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner No. 1 is

ready to keep the complainant, his wife and daughter
with regardful conjugal life”

The complainant is not ready to accept the offer of the petitioner No. 1 since he has performed second marriage. The factum of performing second marriage has been admitted by the petitioner No. 1.

In the alternative, petitioner No. 1 is ready to make payment of Rs. 2000/- to the complainant from June, 2015, by depositing the same in the bank account of the complainant by second week of every consecutive month. The aforesaid offer is acceptable to the complainant who undertakes to supply her bank account number within a period of three weeks by filing the same on affidavit before learned Court below.

Considering the present stand of the parties, let the petitioner No. 1, 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 anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari in connection with Sessions Trial No. 5493 of 2013 arising out of Complaint Case No. 341 of 2013.

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

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate application for cancellation of bail of the petitioner No. 1.

Considering the present stand of the petitioner No. 1, let the petitioner No. 2, above named, in the event of her arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari in connection with Trial No. 5493 of 2013, arising out of Complaint Case No. 341 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Dinesh Kumar Singh, J)

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