

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40434 of 2014

Arising Out of PS.Case No. -1602 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Rajendra Singh Son of Nisabu Singh Resident of Village-Chhogharia, P.S.-
Azamnagar (Salmari OP), District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Yashoda Devi Wife of Rajendra Singh Resident of Village-Chhogharia,
P.S.-Azamnagar (Salmari OP), District-Katihar.
3. Laxmi Kumari D/o Budhakaran Singh, Resident of Village – Malikpur,
P.S. Kadwa (Balua Belon), District – Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Firoz Ahmad

For the Opposite Party/s : Mr. Anuj Kr.Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 26-03-2015

Heard learned counsels for the petitioner

and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

The marriage between the petitioner and the complainant and birth of two children are admitted facts.

The petitioner has performed second marriage with the own sister of the complainant and from the

second marriage there is one child also.

Though, the petitioner is ready to keep the complainant as wife with full dignity and honour, but in the present circumstances the complainant is not ready to accept the offer, hence, the reconciliation is not feasible. However, petitioner is ready to pay Rs.1,800/- per month from April, 2015 to the complainant by depositing the same in her account by second week of every month.

The offer is acceptable to the complainant, who is present in the Court. The complainant undertakes to submit her bank account 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 his 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 Sub-divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 1602 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

proceedings.

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

(Dinesh Kumar Singh, J)

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