

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1028 of 2015

Arising Out of PS.Case No. -192 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

- =====
1. Puhup Narayan Sah @ Bhup Narayan Sah Son of Late Kunj Bihari Sah
2. Leela Devi Wife of Shri Puhup Narayan Sah Both resident of village -
Sonarpur Dagmara, P.S.- Kunauli, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jugiya Devi Wife of Shri Puhup Narayan Sah Resident of Village -
Sonapur Dagmara, P.S.- Kunauli, District - Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 30-03-2015 Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being the husband of the complainant and petitioner no. 2 being second wife of petitioner no. 1 are 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 341,323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

Though cognizance has not been taken under section 494 IPC but this is admitted position that petitioner no. 1 has performed second marriage. Marriage between petitioner no. 1 and

O.P. No. 2 and birth of three female children are admitted facts. All the three children are married. One of them has become widow and she is residing with O.P. No. 2. In the present scenario, O.P. No. 2 is not ready to reside with petitioner no. 1 but she is not willing to oppose the prayer of the petitioners provided some payment is made to her.

It is submitted on behalf of the petitioners that petitioner no. 1 is ready to pay Rs. 2,000/- per month to the complainant from May, 2015 by depositing the same in the bank account of the complainant by second week of every month. The offer is acceptable to the complainant who is present in court.

Considering the stand of the petitioner, let the above named petitioners 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 Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Birpur, Supaul in connection with Complaint Case No. 192C of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The complainant will supply her bank account number to the petitioner no. 1 by filing the same on affidavit before the

learned court below within three weeks.

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 no. 1 will give liberty to the complainant to file an application for cancellation of bail of the petitioners.

(Dinesh Kumar Singh, J)

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