

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38353 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -NAUHATTA District- SAHARSA

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Asul Bahaw @ Abdul Bahaw @ Mintu

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Singh, Adv.

For the Informant : Mr. Subesh Sharma, Adv.

For the State : Mr. Kumar Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 494 of the Indian Penal Code.

The accusation is of torture and performing second marriage. The marriage between the petitioner and informant and birth of a child are admitted.

It is submitted by learned counsel for the petitioner that though the petitioner has performed second marriage but he is still ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 8 of the petitioner, relevant portion of the same reads as follows:-

“That.....the petitioner is still ready to keep the complainant and children with all honour, dignity

and love-affection.”

Learned counsel for the informant submits that the informant is not ready to accept the offer of the petitioner since the petitioner has performed second marriage.

In the circumstances, the petitioner is ready to pay ₹2,000/- per month to the informant from October, 2015 by depositing the same in the bank account of the informant by second week of every month.

Learned counsel for the complainant, on instruction submits that the informant is ready to accept the offer of the petitioner and also undertakes to supply her bank account number to the petitioner within a period of three weeks by filing the same on affidavit before the learned court below.

Considering the stand of the parties, 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, Saharsa in connection with Nuhatta P.S. Case No. 37 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 informant to file an application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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