

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42435 of 2015

Arising Out of PS.Case No. -52 Year- 2011 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

1. Bharat Prasad Gupta son of Paras Nath Gupta, resident of village- Rivilganj, P.s.- Rivilganj, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-10-2015 Heard learned counsels for the petitioner, informant and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 147,323,379,504 and 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the informant are present in court.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. The petitioner has filed Matrimonial Suit for restitution of conjugal rights and still ready to keep the informant as wife and children with due dignity and honour. Statement to

that effect is made in paragraph 8 of the petition. Similar was the stand of the petitioner before the learned court below.

Learned counsel for the informant submits that the informant is not ready to accept the offer of the petitioner as she apprehensive due to past conduct of the petitioner.

In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2000/- per month from November, 2015 for the welfare of children by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same 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 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 CJM, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No.52 of 2011 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.

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

(Dinesh Kumar Singh, J)

Anil/-

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