

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13291 of 2015

Arising Out of PS.Case No. -52 Year- 2014 Thana -MAHILA PS District- KATIHAR

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Amardeep @ Tinku, Son of Kulanand Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Md.Sufiyan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2015

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, 500 and 501 of the Indian Penal Code.

The accusation is of torture and transmitting the obscene messages to the informant through mobile.

It is submitted by learned counsel for the petitioner that earlier the informant filed a case under Section 498A of the Indian Penal Code against the petitioner being Complaint Case No.218 of 2011 wherein the petitioner was granted anticipatory bail on an agreement between the parties to get the marriage dissolved by way of mutual consent and in terms of that a petition was filed under section 13 (B) of the Hindu Marriage Act being Matrimonial Suit No. 231 of 2012. The informant has also filed Maintenance Case No.32 of 2011 before the Family Court, Katihar. Subsequently, the informant

did not appear in Matrimonial Suit No. 231 of 2012 and thereafter the present case has been filed.

It is submitted by learned counsel for the informant that the petitioner after being released on anticipatory bail in complaint case started transmitting obscene messages to the informant through mobile.

Considering the fact that the accusation has been levelled after two years of filing of the Matrimonial Suit No. 231 of 2012 under section 13 (B) of the Hindu Marriage Act, let the above named petitioner be released on provisional anticipatory bail for one year 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Mahila P.S. Case No.52 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of petitioner will be confirmed by the learned court below, if it does not transpire during investigation that the petitioner had transmitted any obscene messages to the informant, otherwise, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

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