

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42950 of 2015

Arising Out of PS.Case No. -306 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Akhilesh Ranjan Sinha

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Pushpa Sinha 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant on 23.05.2001 and birth of a male child. The petitioner filed Matrimonial Suit No. 142 of 2013 on 14.05.2013 with a prayer for divorce and thereafter the present complaint has been filed on 26.06.2014, in the circumstance, the reconciliation is not feasible at present.

In the alternative, the petitioner is ready to pay ₹2,000/-

per month to the complainant from October, 2015 by depositing the same in the bank account of the complainant by second week of every month.

Considering the filing of matrimonial suit at earlier point of time and present stand of the petitioner of making payment, 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 SDJM, Motihari Sadar, West Champaran in connection with Complaint Case No. C306 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the complainant within a period of three weeks when it is expected that the complainant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below.

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 complainant to file an application

for cancellation of bail of the petitioner.

If the complainant failed to submit her bank account number or refuses to accept the payment then the aforesaid amount will be deposited before the learned court below which will be invested in some fix deposit scheme in connection with present case which will be subject to the result of the present case.

(Dinesh Kumar Singh, J)

Amrendra/-

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