

Arising Out of PS.Case No. -126 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

.... Petitioner/s

1. The State of Bihar
2. Sucheta Sinha wife of Rajeev Kumar Sinha @ Amitabh Sinha, D/o Anil Kumar Srivastava, R/o- Village- Pataura, Lala Tola, P.S.- Motihari (Muffasil), Distt- East Champaran, At present Bishunpatti, P.S.- Sahebganj, District- Muzaffarpur

.... Opposite Party/s

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

ORAL ORDER

Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494, 495, 384, 323, 307, 504, 120B of the Indian Penal Code.

The basic accusation is of torture.

The prosecution case is that the informant Sucheta Sinha was married with the petitioner on 27.01.2003 and consequently gave birth of one son and one daughter. Matrimonial relationship continued till 2007, thereafter since the petitioner is working as Production Manager in the Bollywood at Mumbai he stopped visiting the native place Pataura, Lala Tola, Motihari. Subsequently, the informant came to know that the petitioner is residing with another lady. As a result, the informant went to Mumbai when she was being assaulted by the petitioner and the lady with whom he was residing, leading to registration of Sanha No. 1674 of 2013, thereafter the in-laws at the native place started torturing and demand dowry.

The petitioner and informant are present in the Court.

It is submitted by the learned senior counsel for the petitioner that petitioner has performed second marriage and has been maintaining the informant and children by transferring considerable amount in the account of the informant.

It is submitted by the learned counsel for the informant that informant accepted the fact of transfer of amount, but major portion of the amount was taken by the father of the petitioner. In the circumstances, at present, it

does not appear that the issue could be reconciled.

It is submitted by the learned senior counsel for the petitioner that petitioner has constructed a house at the village-pataura, Lala Tola, Motihari, details of which will be furnished by the petitioner by filing the same on affidavit before the learned court below and the same will be transferred in the name of the son of the informant namely Ayushman at present. However, this transfer will not preclude the informant from claiming her share in the matrimonial house. Apart from the above the petitioner is ready to make payment of Rs. 21,000/- per month from July, 2016 for welfare to the informant and education of two children by depositing the same in her account by second week of every month.

Learned counsel for the Informant submits that informant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of three weeks. Moreover the informant is not opposing the prayer for bail of the petitioner.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, East Champaran at Motihari in

connection with Motihari Muffasil P.S. Case No. 126 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the informant within a period of three weeks when it is expected from the informant to submit her bank account number by filing the same on affidavit before the learned court below within a period of three weeks.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

Three consecutive defaults in making payment will give liberty to the informant to file application for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

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