

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2002 of 2016

Arising Out of PS.Case No. -901 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Shrawan Prajapati @ Shrawan Kr. Prajapati @ Shrawan Kumar Prajapati
Son of Munnu Prajapati, Resident of Village- Betari, P.S.- Bhabua, District-
Kaimur (Bhabua)

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi, Wife of Shrawan Prajapati, Daughter of Munna Prajapati, at
present resident of Village- Mahesuwa, P.S.- Bhabua, District- Kaimur
(Bhabua)

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dinesh Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioner and the

State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case in
which processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 323, 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and complainant are present.

It is submitted by the learned counsel for the
petitioner that petitioner admits the marriage with the
complainant in the year 2003, but the petitioner has filed

Matrimonial Case No. 130 of 2015 on 04.07.2015 with a prayer for divorce, thereafter the present Complaint Case was filed on 14.07.2015.

It is further submitted that in view of the filing of the Matrimonial Case the reconciliation is not feasible at present.

Learned counsel for the complainant submits that at present the complainant is ready to accept the offer of the petitioner. In the alternative, the petitioner is ready to make payment of Rs. 900- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of four weeks.

Considering the filing of Matrimonial Suit at earlier point of time and 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 Sri Himanshu Pandey, J.M., Ist Class, Kaimur (Bhabua) in connection with Complaint Case No. 901 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 complainant within a period of three weeks when it is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks. The petitioner also undertakes to appear regularly in the maintenance proceeding pending before the learned court below.

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 complainant 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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