

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4838 of 2016

Arising Out of PS.Case No. -48 Year- 2015 Thana -MAHILA PS District- BUXAR

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1. Sumant Singh @ Sumant S/o Lalan Singh resident of Village- Mathiya Muhalla, Ward No. 14, P.S.- Buxar (T), district- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Aarti Devi wife of Sumant Singh @ Sumant D/o Daya Shankar Yadav @ Bhuwar Yadav resident of Village- Muhammadabad (Shahnina), P.S.+Post-Muhammadabad, District- Gazipur (U.P.)

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 28-06-2016 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, 341, 323, 504, 506, 120B of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the informant, but the petitioner filed Matrimonial Suit No. 240 of 2015 with a prayer for divorce and thereafter the present case was lodged.

Notices were issued to opposite party no. 2 vide

order dated 29.01.2016. The office noted dated 16.05.2016 reflects that notice has been validly served on opposite party no. 2, but none is appearing on behalf of opposite party no. 2.

The petitioner is ready to make payment of Rs. 1200/- per month from August, 2016 to the informant 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.

Considering the filing of Matrimonial Suit under Section 13B of the Hindu Marriage Act and present stand of the petitioner with regard to payment, 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, Buxar in connection with Buxar Mahila Police Station Case No. 48 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 the 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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