

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5812 of 2016

Arising Out of PS.Case No. -977 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Bakridi @ Shekh Bakridi Son of Late Sheknoor Hasan Resident of
Belawa, P.S. - Sathi, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hasan Tara Khatoon Wife of Bakridi @ Shekh Bakridi, Daughter of
Khodarak Shekh Resident of Belawa, P.S. - Sathi, District - West
Champaran at present Village - Shekhwa Tola, P.S. - Balthar, District -
West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Binod Kumar (App)

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

3 21-06-2016 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
Section 498A of the Indian Penal Code.

The basic accusation is of torture after 26 years of
marriage.

The petitioner and complainant are present.

It is submitted by the learned counsel for the
petitioner that petitioner admits the marriage with the



complainant and birth of children. The petitioner has performed second marriage. The complainant deserted the petitioner since long. There are children also from the second marriage. It is further submitted that at present the complainant is residing at the petitioner's place.

It is submitted by the learned counsel for the complainant that the complainant is residing in a hutment though constructed by the petitioner on a Gairmazarua land and at the fag end of her life she is feeling insecurity due to apathetic attitude of the petitioner.

However, learned counsel for the petitioner submits that petitioner is ready to make payment of Rs. 3,000- per month from July, 2016 to the complainant by depositing the same in her account by second week of every month and undertakes not to drive out the complainant from the matrimonial house.

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 three weeks. Moreover the complainant is not opposing the prayer for bail of he 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, Bettiah, West Champaran in connection with Complaint Case No. 977C of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

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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