

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10784 of 2016

Arising Out of PS.Case No. -1857 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Navdeep son of Shiv Kumar, resident of Mohalla- Arya Nagar
(Imamaganj), Sarswati Niwas, Karimchak, P.S. Chapra Town, Distt.- Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Latika Raman, wife of Navdeep resident of Mohalla- New Colony,
Gandhi Chak, P.S.- Chapra Town, Distt.- Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-07-2016 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.

The petitioner and complainant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant having no children and is still ready to keep the complainant as wife with due dignity and honour. Statement to

that effect has been made in para- 12 of the petition which reads as follows:-

“That petitioner is still ready to live with opposite party no. 2 and lead a happy conjugal life.”

It is further submitted that the petitioner has filed Matrimonial Suit No. 32 of 2015 for restitution of conjugal life and the similar was the stand before the learned court below, but the offer of the petitioner was not accepted by the complainant which get reflected from the last portion of the impugned order.

Learned counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner since she is apprehensive due to past cruel conduct of the petitioner.

In the alternative, the petitioner being an Air Force personnel is ready to make payment of Rs. 4,000/- per month from September, 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 on affidavit before the learned court below within a period of four weeks.

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, Chapra, Saran in connection with Complaint Case No. 1857 of 2014, 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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