

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14016 of 2016

Arising Out of PS.Case No. -1616 Year- 2014 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Pankaj Kumar son of Chandeshwari Bhagat.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-06-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of two children and is ready to keep them with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant and two children with him at his work place with honour and dignity.....”

It is further submitted that the petitioner is making

payment of ₹12,000/- per month to the complainant as maintenance.

Learned counsel for the petitioner is not disputing the fact that till date only summons have been issued and warrant of arrest has not been issued. Though, learned counsel for the complainant submits that the maintenance amount is not being regularly paid.

It is further submitted by learned counsel for the petitioner that the petitioner is in Army forces and posted at China boarder who undertakes to pay entire due maintenance amount.

In view of the fact that only summons have been issued let the learned court below consider the prayer for regular bail of the petitioner in view of ratio laid down in the case of **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar & Another** reported in **2015 (3) PLJR, 806 (Cr. Misc. No. 51075 of 2014)** if the petitioner surrenders within a period of ten weeks from today in connection with Complaint Case No. 1616 of 2014 pending in the court of learned JM, 1st Class, Saharsa.

It is expected from the learned court below to dispose of the regular bail application of the petitioner preferably on the same day after verification of the fact that the petitioner has made up-to-date payment of maintenance amount.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

