

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16782 of 2016

Arising Out of PS.Case No. -3264 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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Jitender Kumar Singh, S/o Shri Shatrughan Prasad Singh, resident of
village- Kusmol, Ward No. 6, Police Station- Bhargama, District- Araria

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh 1(App)

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

ORAL ORDER

2 19-04-2016

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.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant but due to erratic behaviour of the complainant at earlier point of time the petitioner lodged the complaint case against the complainant and her family and has also filed Matrimonial Suit No. 194 of 2014 dated 01.07.2014 with a prayer for divorce thereafter the present complaint has been filed. Though, Bhargama P.S. Case No. 215 of 2015 has also



been filed by the complainant against the petitioner's family levelling accusation under Sections 341, 323, 379, 354B, 384, 504, 506 of the Indian Penal Code, in which the petitioner is on bail. Statement to that effect has been made in para-3 of the petitioner. The complainant has filed Maintenance case. In the circumstances, reconciliation is not feasible at present.

Learned counsel for the complainant submits that prima facie finding the case of torture cognizance has been taken and the petitioner has now performed second marriage.

It is submitted by the learned counsel for the petitioner that in the alternative, the petitioner is ready to make payment of Rs. 1500- per month from June, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Learned counsel for the complainant submits that complainant is ready to accept the offer and submit her Bank Account Number within a period of four weeks. Moreover the complainant is not opposing the prayer for bail of the 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 Shri Sanjeev Kumar-II, J.M., Ist Class, Araria in connection with Complaint

Case No. 3264C of 2014, 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 four 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 four 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 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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