

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17647 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -MAHILA PS District- KHAGARIA

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1. Rishikesh Kumar Alok son of Om Prakash Singh resident of village Mahadipur, P.S. Pasraha, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-10-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A/313 of the Indian Penal Code.

The basic accusation is of torture and due to torture the pregnancy got terminated.

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant but the informant lives in the company of one Rajeev Kumar. Though it was initially submitted that petitioner is ready to keep the informant as wife with full dignity and honour provided she leaves the company of Rajeev Kumar. A statement to that effect has been made in para 10 of the

petition which reads as follows:-

“That if the present informant leaves the association of said Rajiv he is ready to keep his wife with dignity and honour and will forgive the informant for her past activities.”

However, today, it is submitted by learned counsel for the petitioner that now the petitioner and the informant decided to part ways on payment of one time settlement amount of Rs. 5,000,00/-. Both sides agree to file a matrimonial suit under Section 13(B) of the Hindu Marriage Act before learned Principal Judge, Family Court, Khagaria within a period of one month to get the marriage dissolved. Both sides agree that out of Rs. 5,00,000/-, Rs. 2,50,000/- will be paid through bank draft by submitting the same before learned Sub-Divisional Judicial Magistrate, Khagaria at the time of furnishing the bail bonds and the rest of Rs. 2,50,000/- will be paid by submitting bank draft before learned Principal Judge, Family Court, Khagaria within a period of four months which will be released by the Principal Judge, Family Court, Khagaria in favour of the informant. Both sides also agree to file appropriate application with regard to the present stand in the matrimonial case also.

Though no joint petition has been filed to the aforesaid effect, but the aforesaid contention of the petitioner is not being controverted by the counsel appearing on behalf of

the informant.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria in connection with Khagaria(Mahila) P.S. Case No. 10 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Either side will be at liberty to file appropriate application before this Court in case of violation of undertakings as stipulated in the present order.

(Dinesh Kumar Singh, J)

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