

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23159 of 2016

Arising Out of Complaint Case No. -85 Year- 2016 Thana -SAHARSA COMPLAINT CASE
District- SAHARSA

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Vikash Kumar Raja @ Vikash Kumar Mistri S/o Chandi Mistry
..... Petitioner/s

Versus

1. The State of Bihar.
2. Kanchan Devi W/o Vikash Kumar Raja@Vikash Kumar Mistri, D/o Raj
Kumar Mistri.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-10-2016 Heard learned counsels for the petitioner, complainant
and the State.

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

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner that
the marriage of the petitioner was performed with the complainant
on 29.04.2015 when the petitioner and his father filed Matrimonial
Suit No.46/2015 for annulment of the marriage, thereafter the
present complaint has been filed on 29.01.2016. However, in
alternative, the petitioner is ready to make payment of Rs.2,000/-

per month to the complainant from December, 2016 by depositing the same in the bank account of the complainant by second week of every succeeding month.

The counsel for the complainant submits that the complainant is ready to resume the conjugal life, though she accepts the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of two weeks.

Considering the present stand of the petitioner and filing of matrimonial suit at earlier point of time, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Complaint Case No.85C/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the complainant within a period of three weeks when it is expected that the complainant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below. However, in the event, if the complainant fails to submit

her bank account number or, on appearance, she declines to accept the offer of the petitioner, the aforesaid amount will be deposited before the learned Court below, subject to result of the case.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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