

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40373 of 2015

Complaint Case No.. -801 Year- 2013 Thana -BUXAR COMPLAINT CASE District- BUXAR

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Nand Gopal Singh Son of Late Vishwanath Singh,

.... Petitioner/s

Versus

1. The State of Bihar.
2. Babita Devi, Wife of Nand Gopal Singh,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. P.N.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-01-2016

The matter is listed under the heading "For Orders

(On Office Notes) due to non-appearance of opposite party no.2.

Since opposite party no.2 entered appearance through her counsel, hence, the matter is being taken up for hearing on merits.

Heard learned counsels for the petitioner, informant 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 and 420 of the Indian Penal Code.

Basic accusation is of torture and cheating the complainant since the petitioner is impotent.

On instruction learned counsel for the petitioner

submits that the petitioner has filed Matrimonial Suit No. 132/2013 for restitution of conjugal rights. However, the counsel for the petitioner is not opposing the claim of the complainant that the petitioner is impotent but petitioner is still ready to keep the complaint as wife with dignity and honour.

On instruction, learned counsel for the petitioner further submits that the petitioner is ready to make payment Rs.1500 /- per month to the complainant from February, 2016 by depositing the same in the bank account of the complainant by second week of every month.

The counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account on affidavit before the learned court below within a period of two weeks.

Considering the stand of the parties, 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, Buxar in connection with Complaint Case No.801C/2013 , subject to the conditions as laid down under Section 438(2) Cr.P.C.

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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