

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46201 of 2015

Arising Out of PS.Case No. -2 Year- 2013 Thana -MUNGER MUFFASIL District- MUNGER

Md. Sattar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Adv.

For the Opposite Party/s : Mr. R.S. Chaudhary (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323, 307, 379 and 504/34 of the Indian Penal Code.

The accusation is of torture after thirteen months of the marriage, making assault, driven out from the matrimonial house and snatching jewellery from the informant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of three children out of which one child is residing with the petitioner. it is further submitted that the petitioner is making payment of Rs. 9,000/- per months as maintenance to the informant. The petitioner is still ready to keep the informant as

wife with full dignity and honour, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is ready to keep her with (Informant) providing her with full respect, dignity and care.”

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 30th of March, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Munger in connection with Munger Muffasil P.S. Case No. 02 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to

appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

So far as payment of maintenance amount is concerned, since it is being paid in pursuance to the order passed in maintenance proceeding, the parties will have option to file appropriate application under Section 127 Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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