

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25914 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -WARSALIGANJ District- NAWADA

=====

Shailendra Paswan S/o Suresh Paswan Resident of Village- Tati Mir Bigha,
PS Warisaliganj, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Priya Devi W/o Shailendra Paswan Resident of Village- Tati Mir Bigha,
PS Warisaliganj, District Nawada.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Adv.

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-06-2016 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 and 379/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children but since the petitioner was administered poison by the informant the petitioner filed Matrimonial Suit No. 292 of 2015 with a prayer for divorce and thereafter the present FIR has been lodged. The two children are residing with the petitioner.

Though, it is recorded in the impugned order that the petitioner has filed two matrimonial suits for divorce but the said fact has been recorded in the petition since it was wrongly mentioned in the bail petition, statement to that effect has been made in para 18 of the petition which reads as follows:-

“That so far another Matrimonial Case No. 143 of 2014 dated 16.06.2014 being filed by petitioner is concern as mentioned in the impugned order at para 4 on the basis of statement made in para 12 of Anticipatory Bail application it is hereby clarified that the same was mentioned in the Anticipatory bail application due to mistake of the counsel for the petitioner which could not be rectified.”

Learned counsel for the informant submits that there is nothing on record to suggest that the informant administered poison to the petitioner nor any criminal case was initiated for the same and she is ready to reside with the petitioner.

It is further submitted by learned counsel for the petitioner that the petitioner is ready to pay ₹2,000/- per month to the informant from August, 2016 by depositing the same in the bank account of the informant by second week of every month.

Learned counsel for the informant, on instruction, submits that the informant is ready to accept the offer of the petitioner who undertakes to supply her bank account number to the petitioner within a period of four weeks by submitting the

same on affidavit before the learned court below.

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Nawada in connection with Warisaliganj P.S. Case No. 16 of 2016, 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 informant to file an 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)

Amrendra/-

U		T	
---	--	---	--