

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47616 of 2015

Arising Out of PS.Case No. -1239 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

Manish Kumar Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Atul Chandra(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 20-07-2016

Heard learned counsels for the petitioner 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 Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue but the petitioner filed Matrimonial Suit No. 145 of 2014 with a prayer for divorce on 08.08.2014 and thereafter the present complaint was filed on 11.11.2014. It is further submitted that the chances of reconciling the issue does not appear to be feasible,

however, the petitioner is ready to make payment of one time permanent alimony of ₹4,00,000/- or the monthly payment of ₹3,000/- per month to the complainant.

Learned counsel for the complainant submits that the complainant is not ready to accept the permanent alimony less than ₹8,00,000/- nor she is ready to accept the monthly payment.

Considering the fact that matrimonial suit was filed at earlier point of time and the present stand of the petitioner to make payment of ₹3,000/- per month to the complainant, which the petitioner will deposit before the learned court below by second week of every month from September, 2016, 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, Rohtas at Sasaram in connection with Complaint Case No. 1239 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The abovesaid amount will be released in favour of the complainant if the complainant files any such application before the learned court below otherwise the said amount will be invested in some fix deposit scheme in connection with the present 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 in no way will preclude the parties to settle the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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