

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26477 of 2016

Arising Out of PS.Case No. -14896 Year- 2014 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Raja Ram @ Rajaram Ram @ Raja Kumar, son of Suresh Ram @ Suresh Singh Chandrabans, resident of Village-Sansarpur, P.S.-Khagaria(Muffasil) District-Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. Doli Devi, wife of Raja Ram @ Rajaram Ram @ Raja Kumar, resident of Village-Sansarpur, P.S.-Khagaria (Muffasil) District-Khagaria at present daughter of Prem Kumar Ram, resident of Village-Rampur, P.S.-Matihani, District-Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-12-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant 04.06.2014 but during medical check-up the ultra sound report dated 29.07.2014 reflects that complainant was carrying pregnancy of 29 weeks 5 days, as a result, the petitioner filed Matrimonial Suit No. 74 of 2014 with a prayer for divorce on 12.09.2014 which is now at the verge of



conclusion as it is fixed for argument. After filing of the matrimonial suit, the complainant filed Matihani P.S. Case No. 144 of 2014 on 01.10.2014 levelling accusation under Sections 498A, 313, 307, 34 of the Indian Penal Code, wherein on conclusion of the investigation, final form was submitted exonerating the petitioner but subsequently on the basis of protest cum complaint, process has been issued after cognizance being taken under Section 498A of the Indian Penal Code. In the circumstance, there is no likelihood of the issue being reconciled.

It is further submitted that petitioner, in the alternative, is ready to make payment of Rs. 3500/- per month to the complainant from January, 2017, by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that marriage between the complainant and the petitioner is not in dispute. The complainant is ready to resume the conjugal life and so far as the question of pregnancy is concerned, since the complainant was in relationship with the petitioner much prior to the marriage, hence the pregnancy can not be considered in a negative sense. However, the complainant is also ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below



within a period of four weeks.

Considering the filing of the matrimonial suit at earlier point of time and the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Begusarai in connection with Complaint Case No. 14896C of 2014.

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

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate 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)

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