

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48734 of 2015

Arising Out of Complaint Case No. -904 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Vivek Kumar @ Bittu son of Harendra Sharma

.... Petitioner/s

Versus

1. The State of Bihar
2. Divya Kumari, wife of Vivek Kumar @ Bittu, Daughter of Shyam Bihari Sharma,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Krishna Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-07-2016

Petitioner and the complainant are present.

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 issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner that since the complainant deserted the petitioner, the petitioner filed Matrimonial Suit No. 465/2013 with a prayer for divorce and thereafter the present complaint was filed. Though, the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph 6 of

the petition, which reads as under :-

"That the petitioner is always ready to keep and maintain his wife with full honour and dignity."

It is submitted by learned counsel for the complainant that since the petitioner has performed second marriage, which is not being controverted by counsel for the petitioner, hence, she is not ready to resume the conjugal life.

It is further submitted by learned counsel for the petitioner that however, the petitioner is ready to make payment of Rs.2500/- per month to the complainant from September, 2016 by depositing the same in the bank account of the complainant by second week of every month.

Learned counsel for the complainant 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 present 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 SDJM, Muzaffarpur, in

connection with Complaint Case No.904/2014, 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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