

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27680 of 2016

Arising Out of PS.Case No. -1692 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Deepak Tiwari, son of Bharat Tiwari, resident of village Dulma, P.S. Madhuwan, District East Champaran, Motihari, at present resident of D-251, Multanipura Modi Nagar, P.S. Modi Nagar, District Gaziabad, U.P.

.... Petitioner

Versus

1. The State of Bihar
 2. Rama Shankar Pandey, son of late Tripunath Pandey, resident of village Mathiya Dih, P.S. Chatauni, District East Champaran, Motihari
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma
For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-07-2016 Heard learned counsel for the parties.

The petitioner being the husband of the daughter of the complainant is apprehending his arrest in a case registered for the offence punishable under sections 498A, 323, 504/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner was married with the daughter of the complainant but the petitioner filed Matrimonial Case No. 998/2015 on 2.7.2015 for dissolution of marriage and thereafter the complaint case has been filed on 7.8.2015. The petitioner is ready to make payment of Rs.1,000/- per month to the daughter of the

complainant from August, 2016 by depositing the same in her back account by second week of every month.

Considering filing of the matrimonial suit by the petitioner at earlier point of time and the present stand of payment by the petitioner, let the petitioner, abovenamed, be released on anticipatory bail, in the event of his arrest or surrender before the learned court below within a period of twelve 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 Judicial Magistrate, 1st Class, Sadar Motihari in Complaint Case No. 1692/2015, Tr. No. 1884/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The petitioner will serve a copy of this order to the daughter of the complainant within a period of four weeks when it is expected that she will supply her bank account number to the petitioner by submitting the same on affidavit before the learned court below.

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)

Surendra/-

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