

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47827 of 2015

Arising Out of PS.Case No. -144 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

=====

Pawan Dev Jha, S/o Rampukar Jha, resident of village- Kaina, P.S.-
Singhiya, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Archana Devi, D/o Tara Kant mishra, W/o Pawan Dev Jha, R/o Kaina,
P.S.- Singhiya, District- Samastipur at present village- Rohar, Thana-
Biraul, District- Darbhanga.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Renu Jha, Advocate

For the Opposite Party/s : Mr. M.Rab (App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

4 26-04-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant in 2003, but subsequently the complainant deserted the petitioner in 2007, thereafter the petitioner has performed second marriage. At earlier point of time also a complaint was filed in the Court as well as before the Gram

Panchayat which ended into compromise.

It is submitted by the learned counsel for the complainant that complainant never deserted the petitioner and it was the petitioner who illegally performed second marriage. The complainant is not ready to resume the conjugal life with the petitioner. Hence, the issue does not appear to be reconciled. In the alternative, the petitioner is ready to make payment of Rs. 2,000/- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that complainant is ready to accept the offer and submit her Bank Account Number within a period of four weeks. Moreover the complainant is not opposing the prayer for bail of the petitioner.

Considering the present stand of the parties, let the above named petitioner 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul in connection with Complaint Case No. 144 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the complainant within a period of four weeks when it

is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of four weeks.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

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

P.K./-

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