

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33602 of 2016

Arising Out of PS.Case No. -371 Year- 2015 Thana -COMPLAINT CASE District- SHEOHAR

=====

Pappu Sah son of Nagendra Sah resident of village - Piprahi Sultan, Police Station - Bairgania, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asha Devi wife of Pappu Sah Resident of Village - Piprahi Sultan, P.S. - Bairgania, District - Sitamarhi.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sri Bharat Bhushan

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 09-08-2016 Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made



in paragraph 12 of the petition. It is further submitted that similar was the stand of the petitioner before the learned court below when the complainant declined to accept the offer of the petitioner since she was apprehensive due to the past conduct of the petitioner. In the alternative, the petitioner is ready to make payment of Rs.1,500/- per month from September, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Considering the present stand of the petitioner coupled with the statement made in paragraph 12 of the petition as well as offer of payment, 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sheohar in connection with Complaint Case No. C-1/371 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner undertakes to supply a copy of this order to the complainant within a period of two weeks when it is expected that the complainant will supply bank



account number by filing the same on affidavit before the learned court below. If the complainant declines to accept the offer of the petitioner or fails to submit the bank account number within a period of three weeks then the learned court below will deposit the same in Nazarat of the Civil Court which will be subject to the result of the case.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected 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.)

DKS/

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