

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52516 of 2015

Arising Out of PS.Case No. -1303 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

Vijay Pandit, S/o Ram Lal Pandit, resident of village- Malpur, P.S.-
Ujiarpur, District- Samastipur, at present Gomti Nagar, Vishal Khand,
House No. 1531, Gomti Nagar, P.S.- Gomti Nagar, Lucknow (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
 2. Rambha Kumari, W/o Vijay Pandit, resident of village- Malpur, Police
Station- Ujiarpur, District- Samastipur, at present daughter of Bharat
Pandit, resident of village- Mahmada, Police Station- Pusa, District-
Samastipur
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

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

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

ORAL ORDER

3 31-03-2016 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, 494 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

The petitioner and complainant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant, but due to ill health of the complainant the

petitioner has performed second marriage. The petitioner is still ready to keep the complainant as wife with due dignity and honour. Statement to that effect has been made in para-18 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant as wife with full dignity and honour.”

Learned counsel for the complainant submits that at present the complainant is not ready to accept the offer of the petitioner since he has performed second marriage. Hence, the issue does not appear to be reconciled. In the alternative, the petitioner is ready to make payment of Rs. 1500/- per month from May, 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 three 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 Sri Shankash Chandra, J.M., Ist Class, Samastipur in connection with C.R. Case No. 1303 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 three 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 three weeks. The petitioner also undertakes to appear regularly in the maintenance proceeding pending before the learned court below.

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)

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