

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.270 of 2016

Arising Out of PS.Case No. -171 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

=====

1. Santosh Ray @ Santosh Kumar Ray, son of Haridwar Ray, Resident of
village- Godarahi, Police Station- Sada Wath, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar & Anr.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rahul Nath, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 21-07-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the informant
is apprehending his arrest in a case registered for the offences
punishable under Sections 341, 323, 498A, 379/34 of the
Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the
petitioner that petitioner admits his marriage with the
informant and birth of two children. The two children are
residing with the petitioner. The petitioner filed Matrimonial
Suit No. 144 of 2015 on 05.08.2015 with a prayer for divorce
and thereafter the present First Information Report was

registered on 01.11.2015. The informant herself deserted the petitioner and the differences arose hence, the petitioner is not in a position to keep the informant.

However, learned counsel for the informant submits that the informant is ready to resume the conjugal life but admits that the children are residing with the petitioner.

In the alternative, the petitioner is ready to make payment of Rs. 1,000/- per month from August, 2016 to the informant by depositing the same in her account by second week of every month.

Learned counsel for the Informant submits that informant is not ready to accept the offer of the petitioner.

In the circumstances, the petitioner will deposit the said amount before the learned court below which will be subject to result of the case. If the informant files any such application for withdrawal of the same, it will be released in her favour.

Considering the filing of Matrimonial Suit at earlier point of time and the present stand of the petitioner for making payment, who is a labourer, let the above named petitioner be released on 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 Chief Judicial

Magistrate, Bhojpur at Ara in connection with Mahila P.S. Case
No. 171 of 2015, subject to conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

P.K./-

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