

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38158 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -BATHNAHA District- SITAMARHI

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Varun Kumar Son of late Chhatu Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar, Advocate

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 406 of the Indian Penal Code.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant on 16.02.2014, but the petitioner filed Matrimonial Suit No.1/2016 before the principal Judge at Sitamarhi on 02.01.2016 and, thereafter, the informant filed Complaint Case No.272/2016 on 22.02.2016 which came to be registered as police case after its being transferred under section 156(3) of the Code of Criminal Procedure to the SHO, Bathnaha for lodging the First Information

Report.

Under the circumstances there is no likelihood to the issue being reconciled at present.

Learned counsel for the petitioner further submits that however, in alternative, the petitioner is ready to make payment of Rs.2000/- per month to the informant from October, 2016 by depositing the same in the bank account of the informant by second week of every succeeding month.

The counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks.

Considering filing of matrimonial suit at earlier point of time and present stand of the petitioner with regard to making payment and in order to save the informant from destitution and vagrancy with lack of hope that the issue could be reconciled in future, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned Chief Judicial Magistrate, Sitamarhi, in connection with Bathnaha P.S. Case

No.36/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is made clear, in the event, if the informant fails to submit her bank account number or, on appearance, she declines to accept the offer of the petitioner, the aforesaid amount will be deposited before the learned Court below, subject to result of the case.

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 will not preclude the parties to reconcile the issues otherwise.

Ashwini/-

(Dinesh Kumar Singh, J)

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