

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31174 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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Sunil Kumar @ Sunil Kumar Ray son of Bindeshwari Ray resident of
Village - Koshdihra Panchrukha, P.S. - Sandesh, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mrs. Simpi Devi wife of Sri Sunil Kumar @ Sunil Kumar Ray, daughter
of Sri Upendra Chaudhary resident of Village - Belaur, P.S. - Udwant
Nagar, District - Ara.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Sri Matloob Rab

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

ORAL ORDER

05/ 21-12-2016 Heard learned counsels for the petitioner, State
and the opposite party no. 2-informant.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered 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
informant. The marriage of the petitioner with the informant
was dissolved by an ex-parte decree of divorce passed on



07.09.2013 by the Principal Judge, Family Court, Allahabad in Matrimonial Suit No. 1123 of 2012. The same has been brought on record as Annexure-2 to the petition.

It is submitted by learned counsel for the informant that by concealing the entire facts the judgment in matrimonial suit has been obtained and the opposite party no.2-informnat has filed Misc. Case No. 48 of 2016 against the decree passed in Matrimonial Suit No. 1123 of 2012.

However, counsel for the petitioner submits that the petitioner is ready to make payment of Rs.7,000/- per month from February, 2017 to the informant by depositing the same in her account by second week of every succeeding month.

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

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 bond 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 Udwantnagar P.S. Case No. 42 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 informant 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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