

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25130 of 2016

Arising Out of PS.Case No. -177 Year- 2016 Thana -SHERGHATI District- GAYA

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1. Mukesh Chaudhary @ Mukesh Kumar Chaudhary son of Jagdish Chaudhary resident of Village- Chattipur, Police Station- Sherghati, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gudia Devi, wife of Mukesh Chaudhary, resident of Village- Dhoni, Police Station- Mohanpur, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha
For the Opposite Party/s : Mr. Pramod Kumar Pandey (App)
For the Informant : Mr. Gagandeo Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 10-08-2016 Heard learned counsels for the petitioner, informant and the State.

The petitioner being husband of the informant is languishing in custody since 20.4.2016 in a case registered for the offences punishable under Sections 498A and 494 of the Indian Penal Code.

The basic accusation is of torture and performance of second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a child and the petitioner is ready to keep the informant as wife with

full dignity and honour.

It is submitted by learned counsel for the informant that the informant is not ready to accept the offer since the petitioner has performed second marriage.

In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.4000/- per month from September, 2016 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties and the fact that investigation has already concluded, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Sherghati, Gaya in connection with Sherghati P.S. Case No.177 of 2016.

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, in no way, preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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