

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7168 of 2016

Complaint Case No. -1555 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Raghunandan Prasad @ Bablu Prasad, son of late Rajendra Prasad
..... Petitioner/s

Versus

State of Bihar Anr.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-02-2016 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case registered for the offences punishable under Sections 498A, 341,323,379/34 of the Indian Penal Code wherein process has been directed to be issued after cognizance being taken.

The basic accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant but denies to keep the complainant as wife as the complainant gave birth to a child only after five months of marriage. Similar was the stand of the petitioner before the learned court below. Admittedly, the marriage between the

complainant and the petitioner was performed on 17.05.2013 when the complainant gave birth to a child on 26.10.2013. The petitioner has filed Matrimonial Case no.281/2015 on 29.09.2015 with a prayer for divorce though subsequent to filing of complaint case.

Learned counsel for the complainant does not dispute this fact that the child was born in five months but submits that the complainant had physical relationship with the petitioner prior to marriage.

The aforesaid contention of the counsel for the complainant is being denied by the counsel for the petitioner and it is further submitted that neither the complaint nor the S.A. of the complainant suggest that the petitioner has any physical relationship with the complainant prior to marriage. Moreover, it is the specific case of the complainant that she conceived after marriage.

Under the circumstances, conciliation between the petitioner and the complainant does not appear to be feasible.

However, the petitioner is ready to make payment Rs. 2000/- per month to the complainant from March, 2016 by depositing the same in the bank account of the complainant by second week of every month.

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

Considering the stand of the petitioner, 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, Nalanda in connection with Complaint Case No.1555-C/2014 , subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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