

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6468 of 2016

Arising Out of PS.Case No. -1002 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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1. Shashi Kant Singh @ Shashi Prakash Singh Son of Yogendra Singh
Resident of Village Paharaicha, P.s Chand, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dimpal Devi W/o Wife of Shashi Kant Singh@Shashi Prakash Singh
R/o Village Paharaicha, P.s Chand, district Kaimur at Bhabua , at
Present reside at Village Ramashankar Singh, R/o Village sonbarsa, Ps
Belaon, District Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Uday Chandra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-08-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant but the petitioner has filed Matrimonial Suit No. 18 of 2015 on 09.02.2015 with a prayer for divorce and thereafter the present complaint has been filed on 04.08.2015. Hence, the chances of getting the issue reconciled at present appear to be not feasible.

In the alternative, petitioner is ready to make

payment of Rs. 2500/- per month to the complainant from September, 2016, by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number by submitting the same on affidavit before learned court below within a period of three weeks from today.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Kaimur at Bhabua in connection with Complaint Case No. 1002 of 2015.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate 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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