

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58307 of 2015

Arising Out of PS.Case No. -260 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Shah Nawaj @ Hiro Mansoori Son of Late Shami Manscori, R/o
Village-Mehsaul Tole, Hussaina Pokhar, P.S. & District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jasibul Khatoon Daughter of Haider Ali Mansoori, R/o Mehraul Tole
Hussaine Pokhar, P.S. & District-Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Anil Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-01-2016 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 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 petitioner admits his marriage with the complainant and birth of a child. The petitioner is ready to keep the complainant and child with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner is ready to
keep the complainant in matrimonial house with full respect

and dignity which she deserves.”

The petitioner and the complainant are present.

Learned counsel for the complainant submits that complainant is not ready to resume the conjugal life since she is apprehensive due to the past conduct of the petitioner.

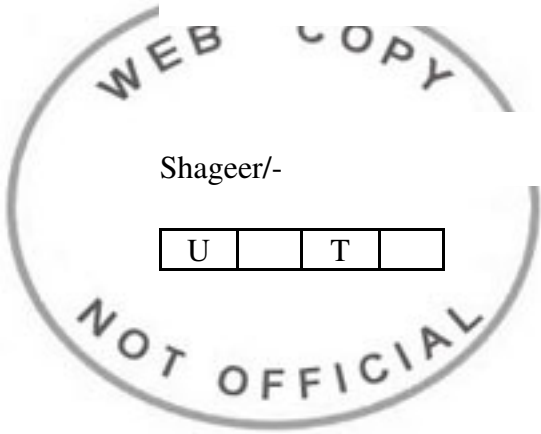
In the alternative, petitioner is ready to make payment Rs. 1000/- to the complainant from March, 2016, by depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant submits that complainant is ready to accept the offer and undertakes to submit the bank account number on affidavit before learned Court below within a period of three weeks.

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 Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C1 260 of 2015.

The aforesaid payments 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.



(Dinesh Kumar Singh, J)