

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14058 of 2016

Arising Out of PS.Case No. -1152 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Suraj Kumar Son of Bharat Bhushan Singh Residents of village Mirganj
Ward No. 10, P.S. Murliganj District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Supriya Kumari wife of Suraj Kumar Daughter of Ramesh Kumar Singh, Resident of village- Sri Ram Pipra P.S. Bahadurpur, District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 24-10-2016 Heard learned counsels for the petitioner, State
and the complainant-opposite party no.2.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been 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 and making

attempt on the life of the complainant.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant on 05.12.2012 and birth of a child. Immediately after the marriage the petitioner came to know that the complainant is leading adulterous life, the petitioner filed Informatory Petition No. 96 of 2014 in the court of learned CJM, Madhepura on 20.01.2014 thereafter filed Matrimonial Suit No. 1018 of 2014 on 19.06.2014 with a prayer for dissolution of marriage on the ground of adultery and consequently as a retaliatory measure the present complaint was filed on 18.07.2014. Hence, the petitioner is not ready to keep the complainant.

Counsel for the complainant submits that the complainant is ready to resume the conjugal life as it is very difficult for the complainant to maintain herself and the minor child.

Counsel for the petitioner, in the alternative, submits that the petitioner is ready to make payment of Rs.3,000/- per month from December, 2016 to the complainant



by depositing the same in her account by second week of every succeeding month.

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

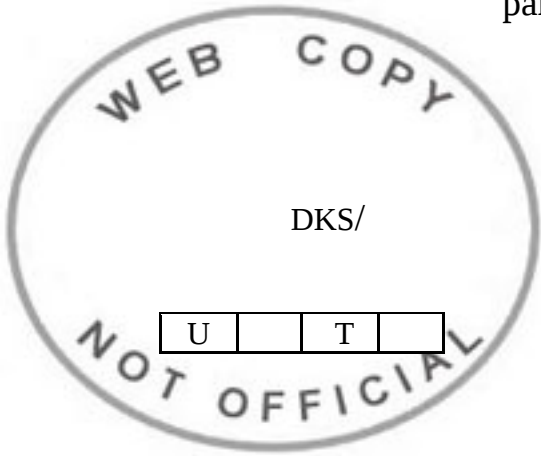
Considering the present stand of the parties and the filing of informatory petition as well as matrimonial suit at earlier point of time, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks 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 Sub-divisional Judicial Magistrate, Darbhanga in connection with C.R. No. 1152 of 2014, 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 complainant 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.)