

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14907 of 2016

Arising Out of PS.Case No. -682 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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Manoj Yadav @ Manoj Kumar Munna, son of Krishnadeo Yadav, resident
of Matiyari, Police Station-Balua Bazar, District-Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Kumari @ Babita Devi, wife of Manoj Yadav @ Manoj
Kumar Munna, daughter of Baidnath Yadav, resident of Village-
Karanpatti, P.S. & Dist-Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-04-2016

The petitioner being husband of the complainant apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Sections 494 and 498A of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of two female children and is ready to keep the complainant with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is at

present also ready to keep the complainant and the

children with him with full decorum and dignity which is not acceptable to the complainant rather she wanted partition in the property of the petitioner.”

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

In the alternative, petitioner is ready to make payment of Rs. 3000/- per month to the complainant from May, 2016, by depositing the same in the bank account of the complainant by second week of every month. The petitioner will also allow the complainant to reside in the house of the petitioner where she is residing with her children at present. The offer is acceptable to the counsel for the complainant who undertakes that complainant shall supply her bank account number within a period of three weeks by filing the same on affidavit before learned Court below.

Considering the present stand of the petitioner, 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, Supaul in connection with Complaint Case No. 682C of 2014.

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.

The present order, in no way will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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