

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22421 of 2015

Arising Out of PS.Case No. -468 Year- 2014 Thana -SHEKHPURA District- SEKHPURA

1. Ram Baran Prasad @ Ram Baran Nonia Son of Late Jagdish Nonia
Resident of village - Maniranda, P.S. Sheikhpura (O.P. Sirari), District
- Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Rajendra Nath Jha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 01-08-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 498A, 341, 323, 379, 494/34 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 informant 40 years and performance of second marriage 27 years prior to lodging of the present case. There are three children out of the wedlock between the petitioner and the informant. It is further submitted by learned counsel for the petitioner that after retirement from the coalfields the petitioner shared his retrial benefits with the informant but the counsel

for the informant denies to have shared any retrial benefits.

Though the petitioner is ready to keep the informant with dignity and honour but the informant is not ready to accept the offer of the petitioner since petitioner has performed second marriage.

In the alternative, petitioner is ready to make payment Rs. 4000/- per month to the informant from September, 2016, by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same 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, Sheikhpura in connection with Sheikhpura P.S. Case No. 468 of 2014.

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 informant 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.

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(Dinesh Kumar Singh, J)