

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27678 of 2015

Arising Out of PS.Case No. -63 Year- 2015 Thana -RUPASPUR District- PATNA

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Ganesh Shah S/o Late Raghu Shah, At present- Branch Manager, Branch-
Canara Bank, Parari (Rohtas)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

12 23-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 498A of the Indian Penal Code.

Basic accusation is of torture.

Though, on joint prayer of the parties, this Court vide order dated 27.08.2015, referred the matter to the Mediation and Conciliation Centre of Bihar State Legal Services Authority, but the report of the mediator dated 11.01.2016 kept at Flag 'A' reflects that the dispute could not be resolved through the process of mediation.

Petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that

the petitioner admits his marriage with the informant and birth of three children. The petitioner is maintaining the informant and the children and for that he is paying Rs.20000/- per month.

Mr. J. K. Giri, learned counsel seeks permission to withdraw his Vakalatnama filed on behalf of opposite party no.2 since one Mr. Prakash Mahto, learned counsel having AOR No.1420 subsequently, filed Vakalatnama on behalf of opposite party no.2 but without obtaining "No Objection" from him.

It is submitted by the informant that she has filed an application before the Registrar General for getting 'No Objection'.

In view of the fact that Mr. J. K. Giri, seeks permission to withdraw his Vakalatnama filed on behalf of opposite party no.2, permission is granted.

It is submitted by learned counsel for the petitioner that in alternative the petitioner is ready to make payment of Rs.20000/- (rupees twenty thousand) per month to the informant from September, 2016 by depositing the same in the bank account of the informant by second week of every succeeding month. The petitioner further undertakes to contribute in the marriage of the children and for their higher studies apart from the said amount.

The counsel for the informant, on instruction, submits

that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of two weeks.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned ACJM, Danapur, in connection with Rupaspur P.S. Case No.63/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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