

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36829 of 2015

Arising Out of PS.Case No. -124 Year- 2013 Thana -COMPLAINT CASE District- SUPAUL

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1. Raslal Yadav S/o Jagdish Yadav R/v - Mahuya, P.S. Nirmali, Distt. - Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Aslata Devi W/o Raslal Yadav R/v - Mahuya, P.S. Nirmali, Distt. - Supaul at Present R/o village - Kishanpur, Tola - Kumarganj, P.S. Kishanpur, Distt. - Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha
For the Opposite Party/s : Mr. Pramod Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 05-04-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 494 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

The petitioner and complainant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant and birth of two female children and he is still

ready to keep the complainant as wife with due dignity and honour. Statement to that effect has been made in para-15 of the petition which reads as follows:-

“That the petitioner is a husband of the complainant and he is ready to keep the complainant as his wife with well dignity and owner.”

The petitioner also admits performance of his second marriage.

Learned counsel for the complainant submits that complainant is not ready to accept the offer of the petitioner in view of the fact that the petitioner has performed second marriage, but at present the complainant is only claiming that the maintenance amount of Rs. 6,000/- per month awarded by the In-charge, Family Court, Supaul passed in Miscellaneous Case No. 20 of 2014 vide order dated 07.09.2015 should be paid and is not opposing the prayer for bail.

It is submitted by the learned counsel for the petitioner that petitioner has already paid the maintenance amount of three months and undertakes to make payment of arrears as well as regular maintenance amount monthly as awarded by the learned court below.

Considering the present stand of the parties, 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the

like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Supaul in connection with Complaint Case No. 124C of 2013, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The bail bond of the petitioner will be accepted on filing proof with regard to the up to date payment of maintenance amount.

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

(Dinesh Kumar Singh, J)

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