

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41927 of 2015

Arising Out of PS.Case No. -131 Year- 2015 Thana -KOILWAR District- BHOJPUR

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Rajeev Prasad Son of Late Jamuna Prasad

.... Petitioner/s

Versus

1. The State of Bihar

2. Bindi Devi, Wife of Rajeev Prasad, daughter of Nagendra Prasad,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s : Mr. Shakir Ahmad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-03-2016

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, 498A/34 of the Indian Penal Code.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant but this fact was concealed prior to marriage that the informant is blind. The petitioner came to know this fact after the marriage.

Though, notices were issued to the informant vide order dated 03.09.2015 but it appears from the office note dated 27.01.2016 that notices were received by opposite party no.2 but on receiving the same signature was made by her mother. On the



basis of the statement made in I.A. No.346/2016 to the effect that opposite party no.2 Bindi Devi is residing with her mother and also showing jointness of the informant with her mother, the notices issued to opposite party no.2 deemed to be validly served vide order dated 18.02.2016. But none is appearing on behalf of opposite party no.2. Even today none has entered appearance on behalf of opposite party no.2 when the case is called out.

Learned counsel for the petitioner further submits that the petitioner is ready to make payment of Rs.1,000/- per month to the informant from April, 2016 by depositing the same in the bank account of the informant by second week of every month.

Considering the aforesaid facts and the present stand of the petitioner, 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 Chief Judicial Magistrate, Bhojpur, Ara in connection with Koilwar P.S. Case No.131 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the informant within a period of three weeks when it is expected that

the informant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below.

If the informant fails to submit the bank account, the said amount will be deposited before the learned Court below which will be released in favour of the informant, if any such application is made.

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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