

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26664 of 2016

Arising Out of PS.Case No. -299 Year- 2015 Thana -LALIT NARAYAN UNIVERSITY District-
DARBHANGA

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Bimlendu Kumar Singh @ Raja Babu son of Late Raghav Prasad Singh
..... Petitioner/s

Versus

The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 27-10-2016 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 341, 323, 498A, 406, 494/34
of the Indian Penal Code.

Basic accusation is of torture and performing second
marriage.

It is submitted by learned counsel for the petitioner
that the petitioner admits his marriage with the complainant and
he is ready to keep her as wife with full honour and dignity. A

statement to that effect has been made in paragraph no.7 of the petition, which reads as under :-

"That the petitioner is still ready to keep her with full respect and dignity ..."

It is further submitted that the petitioner has not performed second marriage. A statement to that effect has been made in paragraph no.9 of the petition, which reads as under :-

"That so far as the allegation of section 494 is concerned the same is baseless allegation and the police did not find any such person whose name has been mentioned in the complaint petition. As such the allegation of second marriage is palpably false."

It is further submitted that the petitioner has also filed Matrimonial Suit No.198/2015 with a prayer for divorce at earlier point of time and thereafter the present complaint has been filed, but the same has not been withdrawn.

The counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner of resuming the conjugal life since the petitioner has performed second marriage.

Under the circumstances, learned counsel for the

petitioner submits that the petitioner is ready to make payment of Rs.3500/- per month to the complainant from December, 2016 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that the complainant is ready to accept the present offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of four weeks.

Considering 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, Darbhanga, in connection with LNMU P.S. Case No.299/2015, 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 complainant 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)

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