

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29263 of 2016

Arising Out of PS.Case No. -1393 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Sanjay Vikram Shah S/o Late Manmohan Shah resident of Village-
Harinagar Mudila Tola, P.S.- Ramnagar, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sarita Shah, S/o Sanjay Vikram Shah, At present resident of New colony
Bettiah, P.S.- Bettiah Nagar, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

8 03-10-2016 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 wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code, though the complaint was filed with accusation under Sections 494, 323, 341, 386, 379, 307 of the Indian Penal Code.

The basic accusation is of torture after 34 years of marriage.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of four children. The children are



residing with the petitioner and two daughters have been married by the petitioner. The complainant herself deserted the petitioner and at present residing at Lucknow. When the complainant sold 16 kathas land of the petitioner then the petitioner filed Title Suit No. 10 of 2014 and thereafter as a retaliatory measure the present complaint has been filed. Now, the relationship has gone strained and petitioner is not ready to keep the complainant.

It is submitted by the learned counsel for the complainant that due to torture inflicted by the petitioner, the complainant has left the matrimonial house.

In the alternative, the petitioner is ready to make payment of Rs. 2500/- per month from November, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number on affidavit before the learned court below within a period of four weeks.

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 Chief Judicial

Magistrate, West Champaran at Bettiah, in connection with Complaint Case No. 1393C of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the complainant within a period of four weeks when it is expected from the complainant to submit her bank account number by submitted the same on affidavit before the learned court below within a period of four weeks.

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

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

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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