

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46131 of 2015

Arising Out of PS.Case No. -501 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Md. Sabir S/o Abdul Karim Resident of Village Kothiya, P.S. National Highway Bangra, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Musarat Parveen W/o Md. Sabir Resident of Village Kothiya, P.S. National Highway Bangra, District Samastipur. At present D/o Intajar Alam @ Lal Babu, Resident of Mohalla Sardar Gunj, P.S. Dalsinghsarai, District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 20-09-2016 Heard learned counsels for the petitioner, complainant and the State.

The petitioner being 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present in court. Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant though the petitioner has filed Matrimonial Suit No. 257 of 2014 on 9.9.2014 with a prayer

for divorce but still he is ready to keep the complainant as wife with full dignity and honour though statement to that effect has not been made in the petition and thereafter the present complaint has been filed.

Learned senior counsel for the complainant submits that since the petitioner has performed second marriage, the complainant is not ready to resume the conjugal life. However, the factum of second marriage is being denied by the learned counsel for the petitioner.

The matter was adjourned on several occasions for getting the issue reconciled in terms of payment of permanent alimony but it appears that on the quantum of alimony the issue could not be reconciled. However, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2000/- per month from November, 2016 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the complainant is ready to accept the offer though he is not thoroughly satisfied with the quantum of monthly payment but he undertakes to provide the bank account number of the complainant to the petitioner within four weeks by submitting the same on affidavit before the learned court below.

Considering the filing of matrimonial suit at the earlier point of time and 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 twelve 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 learned SDJM, Dalsinghsarai in connection with C.R. Case No. 501 of 2014 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, in no way, preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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