

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45821 of 2012

=====

Binay Kumar Srivastava @ Vinay Kumar Srivastava son of Shashi Bhushan Prasad, resident of Mohalla-Adityapur Colony, Road No. 14, P.S.-Adityapur, District-Jamshedpur, State-Jharkhand

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Prasad Singh

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 05-01-2016

Petitioner being husband of the informant is

apprehending his arrest in a case registered for the offences under Sections 498A, 379, 323, 494/34 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

The notices were issued to the informant/O.P. No. 2 vide order dated 11.01.2013. The office note dated 28.06.2013 reflects that informant/O.P. No. 2 received ordinary process of notice but refused to give receiving. Thereafter fresh notices were issued on 01.07.2013 and again on 01.09.2015. The office note dated 27.11.2015 reflects that ordinary process of notice was received by informant/O.P. No. 2, however service report of registered cover has not been received.

Considering the fact that twice ordinary

process of notice was received by O.P. No. 2, let it be treated to be deemed validly served.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and is ready to keep the informant with full dignity and honour and similar was the stand before learned Court below but the informant refused to resume the conjugal life since petitioner has performed second marriage.

In the alternative, petitioner is ready to make payment of Rs. 1500/- to the informant from February, 2016, by depositing the same in the bank account of the informant by second week of every month.

Considering the fact that in spite of issuance of notice to the informant/O.P. No. 2 she chose not to appear and the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Nawada P.S. Case No. 26 of 2012.

The petitioner undertakes to supply a copy of the order of this Court to the informant within a period of two weeks when it is expected from the informant to supply her bank account number within a period of three weeks thereafter

by filing the same on affidavit before learned Court below. If the informant fails to submit such affidavit then the aforesaid payment will be deposited before learned Court below which will be invested in some fixed deposit scheme which will be subject to the result of the case.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance proceeding.

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

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--