

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.551 of 2016

Arising Out of PS.Case No. -746 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Manish Kumar Soni @ Babloo son of Late Krishnadeo Prasad, resident
of Mal Godown Road, Police Station- Khagaria, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shikha Devi, Daughter of Manoj Kumar Sahu, resident of Mohalla- Kali
Bedi, Ward No.12, Nagar Panchayat Rosera, Police Station- Rosera,
District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

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

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

2 05-01-2016 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being husband of the complainant is
apprehending arrest in a case registered for the offences
punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner
that the petitioner admits his marriage with the complainant. The
petitioner has filed Matrimonial Suit No. 67 of 2013 with the
prayer for divorce, thereafter the present complaint has been filed
on 30.7.2013. However, the petitioner is ready make payment of

Rs.1000/- per month from February, 2016 by depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant is ready to accept the offer and undertakes to provide the bank account number of the complainant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering 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 ACJM, Rosera, Samastipur in connection with C.R. Case No. 746 of 2013 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.

If the complainant fails to supply bank account before the learned court below, the aforesaid money will be deposited before the learned court below which will be subject to

the result of the case.

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

(Dinesh Kumar Singh, J)

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