

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45848 of 2015

Arising Out of PS.Case No. -1893 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Vijay Mahto S/o Algu Mahto R/o Samsuddinpur, P.S. Rivilganj, District -
Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Anjani Devi W/o Vijay Mahto, D/o Shyam Babu Mahto R/o Mohalla -
Chota Telpa, P.S. Chapra Nagar, District - Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Indra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 29-02-2016 Heard learned counsels 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.

The basic accusation is of torture.

The petitioner and the complainant are present in the Court.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant but on

the ground that the complainant is suffering from mental abrasion the petitioner filed Matrimonial Suit No. 133 of 2014 on 28.04.2014 with a prayer for annulment of the marriage and thereafter the present complaint was filed on 30.06.2014. It is further submitted that the marriage has never been consummated. However, the petitioner is ready to make payment of Rs.1,800/- per month from April, 2016 to the complainant by depositing the same in her account by second week of every month.

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

Considering the present stand of the parties and filing of matrimonial suit at earlier point of time, 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 1893 of 2014, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected 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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