

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13496 of 2016

Arising Out of PS.Case No. -47 Year- 2014 Thana -RIGA District- SITAMARHI

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1. Uday Mishra @ Uday Kumar Mishra S/o Nagendra Mishra Resident of
Village-Rampur Gangauli, PS Sonbarsa, Distt- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

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

4 16-05-2016 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being husband of the informant is languishing in custody since 18.1.2016 in a case registered for the offences punishable under Sections 498A,323 and 504/34 and of the Indian Penal Code.

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

Though initially in paragraph 3 of the petition it was mentioned that the petitioner has no criminal antecedent but when learned counsel for the informant pointed out in course of argument, then supplementary affidavit was filed to the effect that the petitioner is accused in two other cases namely Bairgania P.S.

Case No. 237 of 2015 registered under sections 307,386 and 387 IPC and Majorganj P.S. Case no. 3 of 2016 registered under section 420 and other allied sections of IPC. It is further submitted that investigation has already concluded.

Learned counsel for the informant submits that the marriage between the petitioner and the informant and birth of a child are admitted but the petitioner is not maintaining them. The petitioner has performed second marriage though it is submitted by learned counsel for the petitioner that charge sheet has not been submitted under section 494 IPC. However, the petitioner is ready to make payment of Rs.1500/- per month from June, 2016 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties and the fact that investigation has already concluded, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Riga

P.S. Case No. 47 of 2014.

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 informant 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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