

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50694 of 2015

Arising Out of PS.Case No. -588 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Vinay Goswami Son of Rameshwar Goswami,
 2. Santosh Goswami @ Saotosh Kumar Goswami, S/o Late Buttu Nath Goswami,
 3. Santosh Kumar, S/o Surendra Paswan, All resident of Naubatpur, P.S. - Naubatpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anupam Devi, W/o Vinay Goswami, D/o Shree Shambhu Goswami, R/o Village - Mahangupur, P.S. Janipur, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma
For the Opposite Party/s : Mr. Iftekhar Mahmood (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-04-2016

The petitioner No 1 being husband of the complainant and petitioner Nos. 2 and 3 being brother-in-law and employee of petitioner No. 1 are apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 406, 498A, 323, 354, 504, 506, 380 and 386 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioners that petitioner No. 1 admits his marriage with the complainant and birth of three children but the petitioner No. 1 has filed Matrimonial Suit No. 444 of 2013 with a prayer for

divorce. It is further submitted that complainant has also filed Naubatpur P.S. Case No. 335 of 2013 with accusation under Section 498A I.P.C in which the petitioners are on bail, though statement to that effect has not been made in the petition.

The matter was adjourned for several occasions to get the issue resolved but the issue could not be resolved. Now, at present the complainant is only willing to get the maintenance as awarded by learned Court below in Maintenance Case No. 250 of 2015.

It is submitted by learned counsel for the petitioners that petitioner No.1 has already deposited Rs. 50,000/- before learned Court below against the arrear of Rs. 1,45,000/- and the rest of the amount will be deposited within a period of three months.

Considering the present stand of the parties, let the petitioner No.1, 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 provisional anticipatory bail for four months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur in connection with Complaint Case No. 588(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Learned Court below will release the amount of Rs. 50,000/- already deposited by the petitioner No.1 in

favour of the complainant within two weeks of the application being filed by the complainant for release of the amount. Henceforth, the petitioner No.1 will deposit rest of the arrear of maintenance amount as well as current maintenance amount in the bank account of the complainant.

The provisional bail of the petitioner No.1 will be confirmed by learned Court below on supply of proof of deposit of the arrears of the maintenance amount within a period of three months.

Considering the present stand of petitioner No.1, let the petitioner Nos. 2 and 3, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur in connection with Complaint Case No. 588(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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