

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3551 of 2016

Arising Out of PS.Case No. -2415 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. SATYENDRA KUMAR KUSHWAHA @ SATYENDRA KUMAR son
of Bhagwan Singh, Resident of village- Hakam, P.S. and District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Ragini Kumari wife of Sayendra Kumar Kushwaha, presently residing
with her father Sri Ram Dinesh Mahto at village- Somnaha, P.S.-
Chakmaheshi, District- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

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

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

2 22-01-2016 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being husband of the complainant is
apprehending arrest in a complaint case wherein process has been
directed to be issued after cognizance being taken under Sections
498A, 406 and 504 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 and
birth of a male child. The petitioner has filed Matrimonial Suit No.
9 of 2015 for restitution of conjugal rights and still ready to keep

the complainant as wife with due dignity and honour. Statement to that effect is made in paragraph 6 of the petition which reads as follows:

“That as a matter of fact the petitioner being husband is ready to keep the complainant and his son with full honour and dignity within his limited means; but she is not ready to live in her sasural along with her in laws.”

Learned counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner.

In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2000/- per month from March, 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 JM Ist Class, Samastipur in connection with C.R. Case No. 2415 of 2014 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.

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

(Dinesh Kumar Singh, J)

Anil/-

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