

Arising from

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1. Anil Kumar Singh
of Village - Chauraha,
Taluk - Chauraha,
District - Chauraha,
Residence - Chauraha,

1. The Government of India
2. Abhishek Kumar Singh
- Chauraha,
Residence - Chauraha,

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1. Anil Kumar Roy @ Anil Roy Son of Shri Surya Narayan Roy, Resident of Village - Chapi, P.S. - Bhimpur, District - Supaul.

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. S.N.Shukla(App)

4 16-08-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Sections 323, 494, 498A, 504, 34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and submits that petitioner has not performed second marriage. A statement to that effect has been made in para 7 of the petition which reads as follows:-

submitted that allegation of solemnizing the

second marriage with Arti Kumari is hereby denied. The petitioner has not solemnized with any other woman”

It is further submitted that since the complainant has illicit relationship with her brother-in-law, hence petitioner has filed Matrimonial Suit No. 05(A) of 2015 and when notices were issued to the complainant in the aforesaid case on 27.01.2015 then the present complaint has been filed on 03.02.2015. In the circumstance, the petitioner is not ready to keep the complainant.

In the alternative, petitioner is ready to make payment of Rs. 3000/- per month to the complainant from September, 2016, by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that complainant is ready to resume the conjugal life. However, the complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the petitioner and the filing of the matrimonial suit at earlier point of time, let the petitioner, 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 anticipatory bail, 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, Supaul in connection with Complaint Case No. 101C of 2015.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate 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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