

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11994 of 2016

Arising Out of PS.Case No. -85 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Raj Kumar Rai Son of Sri Lakshmeshwar Rai Resident of Village-
Shiwaipatti (Patdaura) ,Police Station -Bajpatti District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Vibha Devi Wife of Raj Kumar Rai Resident of Village-
lakshmipur Police Station -Bathnaha, District Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navendu Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

05/ 17-10-2016

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

process has 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.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the

complainant. Though, accusation of performing second marriage

has not been levelled in the complaint but it has been submitted by learned counsel for the petitioner that since the complainant has deserted the petitioner he has performed second marriage.

The petitioner and the complainant are present in the Court.

It is jointly submitted that both sides have decided to part ways on payment of one time settlement amount of Rs.1,75,000/- (One lakh Seventy Five thousand), though, petition to that effect has not been filed. Both sides agree to file matrimonial suit for dissolution of the marriage under Section 13B of the Hindu Marriage Act.

It is submitted by learned counsel for the petitioner that the petitioner is ready to make payment of the said amount within a period of eight months in eight equal installments. The said amount will be paid through bank draft being submitted before the learned court below which will be released in favour of the complainant.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for eight months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand)

with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Complaint Case No. C-I/85 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on payment of the undertaken amount within a period of eight months.

(Dinesh Kumar Singh, J)

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