

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12395 of 2016

Arising Out of PS.Case No. -1143 Year- 2014 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

- =====
1. Mukesh Kumar @ Mukesh Sah Son of Pradeep Sah.
 2. Pradeep Sah Son of Bachchelal Sah. Both are resident of Village-
Pasraha, P.O. + Police Station and District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam

For the Opposite Party/s : Mr. Ramesh Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-07-2016

The petitioner No. 1 being husband of the complainant and petitioner No. 2 being father 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 under Sections 323, 498A, 354, 504, 34 of the Indian Penal Code.

The basic accusation is of torture. It is alleged that petitioner No. 2 being father of the husband of the complainant tried to establish illicit relationship with the complainant and on protest being made the complainant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioners that petitioner No. 1 admits his marriage with the complainant and birth of a male child. The petitioner No. 1 is ready to keep the complainant with full dignity and honour.

The petitioner No. 1 has also filed Matrimonial Suit No. 1137 /58/14 for the restitution of conjugal life on 16.06.2014 and thereafter the present complaint has been filed on 27.08.2014. It is further submitted that at earlier point of time on 17.10.2013 a sanha was also lodged by the petitioners against the complainant's side. The father of the petitioner No. 1 being petitioner No. 2 has been roped in the present case with malicious accusation.

It is submitted by learned counsel for the complainant that complainant is not ready to accept the offer of the petitioner No. 1 of resumption of the conjugal life. The complainant, at present is not opposing the prayer for bail but is claiming interim maintenance amount as awarded by the Principal Judge, Family, Court, Saharsa vide order dated 23.02.2016 passed in Miscellaneous Maintenance Case No. 122 of 2014, whereby the petitioner No. 1 has been directed to make payment of Rs. 2000/- per month to the complainant.

It is submitted by learned counsel for the petitioners that petitioner No. 1 is ready to make payment of the maintenance amount along with the arrears till the order is not modified by the Court concerned or any other competent Court.

Considering the present stand of the parties, let the petitioners, 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 Additional Chief Judicial Magistrate-III, Saharsa in connection with Complaint Case No. 1143C of 2014.

The bail bonds of petitioner No. 1 will be accepted on filing proof on affidavit with regard to the up-to-date payment of the maintenance amount as directed by the Principal Judge, Family Court, Saharsa including the arrears.

The complainant will be at liberty to file appropriate application for cancellation of bail of petitioner No. 1 if he defaults in making payment.

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

(Dinesh Kumar Singh, J)

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