

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22191 of 2016

Arising Out of Complaint Case No.. -1648 Year- 2014 Thana -NAWADAH COMPLAINT CASE
District- NAWADA

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Arjun Mistri son of Late Gajo Mistri

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tetari Devi wife of Arjun Mistri, D/o Late Janki Mistri

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 26-09-2016 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 504, 498A and 494/34 of the Indian Penal Code.

Basic accusation is of torture and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. The petitioner admits the factum of second marriage. Statements to that effect has been made in para 9 of the petition

which reads as follows:-

"That the petitioner is still ready to keep the opposite party no.2 as wife with full dignity and honour as she was living earlier as the petitioner always ready and willing to keep his both wives as his second marriage has been solemnized with the consent of the opposite party no.2 for getting a male issue"

Learned counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner for resuming conjugal life since the petitioner has performed second marriage, but she is unable to maintain her two children and she is not opposing the prayer for bail of the petitioner, if she is paid some monthly amount.

Learned counsel for the petitioner further submits that in alternative the petitioner is ready to make payment of Rs. 4,000/- per month to the complainant from November, 2016 by depositing the same in the bank account of the complainant by second week of every succeeding month.

The counsel for the complainant further submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of four weeks.

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 12 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 the learned Chief Judicial Magistrate, Nawada, in connection with Complaint Case No.1648/2014, 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 not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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