

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29413 of 2016

Arising Out of PS.Case No. -56 Year- 2015 Thana -MAHILA P.S. District- NAWADA

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Rajesh Kumar @ Rajesh Sharma, Son of Tano Mistri, resident of Village-
Pampukal Road, Nawada, Police Station- Nawada in the district of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guriya Devi D/o Kanhai Mistri R/o village Chhakauri Bigha, P.S. –
Chowar, P.S. Tankupa in the district of Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 27-10-2016

Heard learned counsels for the petitioner, State

and the opposite party no.2.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 341 and 504/34 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 informant but the informant was suffering from some mental abrasion from before as a result the petitioner filed Matrimonial Suit No. 213 of 2015 on 26.08.2015 with a prayer for

dissolution of marriage and thereafter the present FIR was registered on 01.09.2015. Hence, the petitioner is not ready to keep the informant at present. However, the petitioner is ready to make payment of Rs.2,500/- per month from December, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant does not suffer from any mental abrasion and is still ready to resume the conjugal life. However, the informant is ready to accept the present offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of four weeks.

Considering the present stand of the parties and filing of matrimonial suit at earlier point of time, let the above named petitioner be released on anticipatory bail in the event of his 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 Additional Chief Judicial Magistrate-III, Nawada in connection with Nawada Mahila P.S. Case No. 56 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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