

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38846 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -SARAN COMPLAINT CASE District- SARAN

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1. Ritesh Kumar, S/o Kedar Nath Prasad, R/o Mohalla Chota Telpa, P.S. Chapra Nagar, District Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Ankita Kumari, w/o Ritesh Kumar, d/o Ramnath Prasad, currently residing at Ram Krishanapuri Masumganj, P.S. Bhagwan Bazar, District Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

07 07-04-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 379/34 of the Indian Penal Code.

The basic accusation is of torture. The marriage between the petitioner and complainant on 18.02.2014 is admitted. Further, there is no issue out of wedlock. The petitioner filed an application under Section 10 of the Hindu Marriage Act on 30.9.2014 before the learned Family Court, District Ranga Reddy at Andhra Pradesh with prayer for a



judicial separation, wherein the complainant received notice on 30.12.2014 and thereafter on 05.01.2015 the present complaint was filed. Though, the complainant appears before the Family Court, District Ranga Reddy at Andhra Pradesh on 15.02.2015 and filed an affidavit that she could not appear earlier due to unwell.

The petitioner and complainant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant, but some what other the marriage failed and then the petitioner filed an application with a prayer for judicial separation. The matter adjourned since last several occasions, but the issue could not be reconciled. In the alternative, the petitioner is ready to make payment of Rs. 8500- per month from May, 2016 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that complainant is ready to accept the offer and submit her Bank Account Number within a period of three weeks. Moreover the complainant is not opposing the prayer for bail of he petitioner.

Considering the present stand of the parties, 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the

like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 35 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the complainant within a period of three weeks when it is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks. The petitioner also undertakes to appear regularly in the maintenance proceeding pending before the learned court below.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

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