

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34392 of 2016

Arising Out of PS.Case No. -291 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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1. Sonu Mandal Son of Libani Mandal Resident of Village- Nav Tole-
Bhawanipur Police Station-Birual, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Yashoda Devi Daughter of Ghutar Mandal Resident of Village- Nawada,
Police Station- Bahera, district- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken 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 and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That the petitioner is the husband of the Complainant and he is ready to keep her with full honour and dignity.”

It is further submitted that similar was the stand of the petitioner before the learned court below and a joint compromise petition was also filed but before the learned Sessions Judge the complainant appeared and retracted from the factum of compromise. However, the petitioner is ready to make payment of Rs.1000/- per month to the complainant from September, 2016 by depositing the same in the bank account of the complainant by second week of every month. The complainant is expected to provide her bank account number to the petitioner within three weeks by submitting the same on affidavit before the learned court below. If the complainant declines to accept the offer or fails to submit her bank account the aforesaid amount will be deposited before the learned court below which will be invested in some fixed deposit scheme which will be subject to the result of the case.

Considering the present stand of the petitioner, 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 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 SDJM, Benipur in connection with Complaint Case No. 291 of 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 informant to file an application for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

Anil/-

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