

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12501 of 2016

Arising Out of PS.Case No. -15 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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Md. Sahadat Hussain @ Sahadat Hussain S/o Md. Motiur Rahman Resident
of Village Mirjapur ward no. 5 PS Bausi Baseti District Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nitu Thappa @ Rupnisha Pravin W/o Md. Sahadat Hussain
Resident of village – Mirjapur Ward No. 5, P.S. Bounsi Baseti, District
– Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

04/ 06-09-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A, 341, 323, 298/34 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 and birth of three children. In the FIR the petitioner
was not made accused nor any accusation has been levelled but
during investigation the accusation has subsequently been

levelled. The informant herself deserted the petitioner and started residing with one Mukesh Yadav. The children are residing with the petitioner, though, the petitioner claims that he had given Talak to the informant.

It is submitted by learned counsel for the informant that the informant denies the factum of having any relation with Mukesh Yadav or the factum of Talak, but she is not ready to resume the conjugal life since the inter religion marriage was performed between the petitioner and the informant and the petitioner has performed second marriage.

It is further submitted by learned counsel for the petitioner that the informant is second wife of the petitioner.

However, the petitioner is ready to make payment of Rs.1,500/- per month from November, 2016 to the informant by depositing the same in her account by second week of every succeeding month. The petitioner further undertakes to get the account of the informant opened in some nationalized bank at Araria and account number will be submitted on affidavit before the learned court below within a period of four weeks.

Counsel for the informant submits that the informant accepts the offer of payment by the 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Araria in connection with Araria Mahila P.S. Case No. 15 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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