

Arising Out of PS.Case No. -305 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

.... Petitioner/s

1. The State of Bihar.
2. Vandana Kumari wife of Rahul Kumar and D/O Sri Krishndeo Roy resident of Mohalla Indraprasth Colony P.S. Ahiyapur District Muzaffarpur.

Appearance :

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Sections 323, 498A of the Indian Penal Code.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of a child. It is further submitted that



petitioner has filed Matrimonial Suit No. 11 of 2016 with a prayer for divorce on 13.01.2016 and thereafter the present complaint has been filed on 09.02.2016. Hence, the petitioner, at present is not ready to resume the conjugal life.

However, it is submitted by learned counsel for the petitioner that in the alternative, petitioner is ready to make payment of Rs. 5000/- per month to the complainant from February, 2017, by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that though the complainant is ready to resume the conjugal life but she has to maintain herself and a minor child. Hence, the complainant is also ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of four weeks.

Considering the filing of the matrimonial suit at earlier point of time, the present stand of the parties and in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may be reconciled in future, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Complaint Case No. 305 of 2016, Trial No. 1887 of 2016.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

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