

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6037 of 2016

Arising Out of PS.Case No. -26349 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Manoj Kumar Sinha @ Manoj Sinha

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of female child. The petitioner is ready to keep the complainant as wife with full dignity and honour and similar was the stand of the petitioner before the learned court below but it was the complainant who refused to accept the offer of the petitioner since she was apprehensive that the petitioner has performed second marriage but the petitioner has not performed second marriage.

Though, now the complainant died in the matrimonial house, hence, learned counsel for the petitioner is permitted to add the father of the complainant as opposite party no.2.

It is submitted by learned counsel for the opposite party no.2 that the complainant died due to torture inflicted by the petitioner and now opposite party no.2 is maintaining the infant child of the complainant.

In the circumstances, the petitioner is ready to pay ₹2,500/- per month to opposite party o.2 from March, 2016 by depositing the same in the bank account of opposite party no.2 by second week of every month, though, statement to that effect has not been made in the petition.

Learned counsel for opposite party no.2, on instruction, submits that opposite party o.2 is ready to accept the offer of the petitioner who also undertakes to supply her bank account number to the petitioner by submitting the same on affidavit before the learned court below within a period of three weeks.

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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each

to the satisfaction of the learned Judicial Magistrate, Patna in connection with Complaint Case No. 26349C 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 opposite party no.2 to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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