

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52393 of 2015

Arising Out of PS.Case No. -219 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Manish Kumar Son of Umesh Singh Resident of Village - Kalyanpur, P.O.
Khalilabad Nettoul, P.S. - Kadirganj, District - Patna (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nutan Kumari Wife of Manish Kumar Resident of Village - Kalyanpur,
P.S. - Kadirganj, Presently Residing at C/o Janardan Sharma, Village -
Sheikhpura, P.S. - Ghoshi, District - Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas

For the Opposite Party/s : Mr. B.M.P.Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 16-05-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the

complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 323, 498A and 504 of the Indian Penal Code.

The prosecution case is that the complainant

claims to have married with the petitioner in Vishnupad
Temple, Gaya on 01.07.2007 but the petitioner after being
recruited in Army in 2012 deserted the complainant. The

Panchayat Mukhiya has given certificate with regard to the marriage.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of marriage. There is no certificate issued by the concerned temple that the marriage was performed on record and prima facie the certificate of the Panchayat Mukhiya does not inspire confidence.

It is submitted by learned counsel for the complainant that even the step mother and father of the petitioner admits the marriage.

Considering the nature of dispute with regard to factum of marriage it transpires that the reconciliation does not appears to be feasible at present.

However, counsel for the petitioner submits that the petitioner is ready to make payment of Rs.4,000/- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.





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 Chief Judicial Magistrate, Jehanabad in connection with Complaint Case No. 219 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present payment, in no way, will be an evidence with regard to the relationship between the petitioner and the complainant, but the present 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 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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