

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17867 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

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1. Manoj Sutihar S/O Gokaran Sutihar a resident of village- Parsa Madho, P.S.- Kishanpur, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Manoj Sutihar, resident of village- Parsa Madho, P.S.- Kishanpur, District- Supaul. at present Daughter of Shankar Sutihar of village- Singiawan, P.S.- Kishanpur, District- Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. Pranav Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 05-09-2016 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 punishable under Sections 498A, 323 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant but since complainant deserted the petitioner, hence petitioner has performed second marriage. The petitioner is ready to keep the complainant and children with dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That it is stated and

submitted that the petitioner being a husband ready to keep and maintain the wife and children with full respect and dignity.”

It is further submitted that petitioner has also filed Matrimonial Case No. 56 of 2015 for the restitution of conjugal life.

It is submitted by learned counsel for the complainant that since the petitioner has performed second marriage, hence complainant is not ready to accept the offer of the petitioner for resumption of conjugal life. However, complainant is ready for one time permanent alimony.

Considering the aforesaid facts, let learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 229(C) of 2015, pending in the Court of learned Judicial Magistrate, 1st Class, Supaul.

Let learned Court below make an endeavor to get the issue resolved between the parties through the process of one time permanent alimony.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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