

Arising Out of PS.Case No. -3371 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

Petitioner/s

.... Opposite Party/s



It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant on 09.07.2008 having no issue. The Complaint Case No. 3371(C) of 2009 was filed on 11.12.2009, wherein process has been directed to be issued after cognizance being taken on 15.05.2010. The said order was challenged by the petitioner and other co-accused persons in Cr. Misc. Nos. 30927 of 2010 and 36826 of 2010, wherein further proceeding was stayed vide order dated 03.05.2012 by a co-ordinate Bench of this Court. The applications were finally heard on 09.02.2016 when the application with regard to the petitioner (Cr. Misc. No. 36826 of 2010) was permitted to be withdrawn whereas the prosecution with regard to other family members of the petitioner was quashed. The said order has been brought on record as Annexure-4. It is further submitted that in 2011 the petitioner was assaulted by the complainant in court premises leading to filing of Complaint Case No. 1515C of 2011 which was ultimately registered as Pirbahore P.S. Case No. 138 of 2011 after the complaint being transferred under Section 156(3) Cr.P.C, though the complainant has also lodged Pirbahore P.S. Case No. 124 of 2011 against the petitioner. In the case lodged by the petitioner, the complainant's side has been chargesheeted. It is also submitted that initially Matrimonial Case No. 5 of 2010 was filed with the prayer for restitution of conjugal rights by the petitioner which was



ultimately dismissed but subsequently Matrimonial Suit No. 883 of 2011 was filed with a prayer for divorce which is on the verge of conclusion but the complainant is not reconciling the issue. The petitioner is making payment of maintenance amount of Rs. 7000/- per month to the complainant from 28.02.2011 in pursuance to the order passed by learned Principal Judge, Family Court, Patna in Maintenance Case No. 3M of 2010 and also paid lump-sum amount of litigation cost of Rs. 10,000/-. The maintenance amount till January, 2017 has been deposited before the learned Court below but since the complainant is not appearing, hence she failed to withdraw the amount. In the circumstances, the reconciliation is not feasible at present.

It is submitted by learned counsel for the complainant that complainant is ready to resume the conjugal life even today. The complainant has serious doubt whether the petitioner has deposited the maintenance amount regularly before learned Court below.

Considering the fact that petitioner is making payment of maintenance amount and the matrimonial suit is on the verge of conclusion, 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 Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 3371(C) of 2009.

The bail bonds of the petitioner shall be accepted on filing proof with regard to the up-to-date payment of maintenance amount.

The complainant will be at liberty to file appropriate application for cancellation of bail of the petitioner, if the petitioner defaults for three consecutive occasions.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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