

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 45413 of 2016

Arising out of P.S. Case No. - 17 Year - 2016 Thana - MAHILA P.S. District - BHABHUA (KAIMUR)

Sonu Tiwary, Son of Dadan Tiwary, resident of village - Dharahara, P.S. Durgawati, District - Kaimur at Bhabua

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is languishing in custody since 06.09.2016 in a case registered for the offences punishable under Sections 498(A), 120B, 307, 467 and 468/34 of the Indian Penal Code.

Basic accusation is of torture, making assault and confining the informant in a room.

It is submitted by learned counsel that the petitioner admits his marriage with the informant and earlier also Durgawati P.S. Case No. 102 of 2015 was registered with similar accusation.

It is submitted by learned counsel for the informant that in earlier case being Durgawati P.S. Case No. 102 of 2015 the petitioner preferred Cr. Misc. No. 31967 of 2015 with a prayer for

anticipatory bail and was granted provisional anticipatory bail on the undertaking of the petitioner to keep his wife with full dignity and respect but failed to comply the undertaking given before this Court as a result his bail bonds were cancelled.

It is further submitted by learned counsel for the petitioner that though the petitioner took the informant and kept her for seven months but the bail bond of the petitioner was cancelled in the earlier case. The petitioner has filed a Matrimonial Suit No. 102 of 2016 with a prayer for divorce.

The counsel for the informant, however, submits that in a maintenance proceeding the petitioner has been directed to make payment of Rs.7,000/- per month as maintenance but the same is not being paid. However, no document has been brought on record to suggest any such order being passed by the learned court below.

Considering the nature of accusation and the period of custody, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Kaimur at Bhabua in connection with Mahila (Bhabua) P.S. Case No. 17 of 2016.

It is submitted that the petitioner agree to make

payment of 50% of the maintenance amount at the time of furnishing bail bonds and rest 50% will be paid within three months but the said payment will be subject to any order being passed by the revisional court as it is submitted by learned counsel for the petitioner that he has challenged the order of maintenance in revision.

(Dinesh Kumar Singh, J.)

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