

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34082 of 2016

Arising Out of Complaint Case No. -1350 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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Manoj Seth Son of Kanhaiya Seth

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushma Devi, wife of Manoj Seth

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant is languishing in custody since 04.07.2016 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.

Basic 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 three children. The children are residing with the petitioner. It is further submitted that the cognizance has been taken under section 498A IPC but petitioner admits to have

performed second marriage and ready to make payment of maintenance amount to the complainant for welfare of the children and the complainant. Though, statement to that effect has not been made in the petition.

Considering the nature of accusation, let the above named petitioner be released on bail provisionally for six months, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Kaimur, in connection with Complaint Case No.1350/2014.

It is expected from the complainant to file appropriate application for maintenance, if she so desires. If the complainant files such application, it is expected from the concerned Court below to dispose of the same expeditiously.

The provisional bail of the petitioner will be confirmed by the learned Court below on disposal of the maintenance proceeding, if it is filed or, even if it is not filed or concluded within a period of six months. But the provisional bail of the petitioner will not be confirmed by the learned Court below if the petitioner defaults for two consecutive occasions to appear in maintenance proceeding.

The petitioner will serve a copy of this order to the

complainant within a period of three weeks.



(Dinesh Kumar Singh, J)