

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17092 of 2016

Arising Out of PS.Case No. -554 Year- 2015 Thana -BUXAR COMPLAINT CASE District-
BUXAR

1. Sri Kant Mishra @ Shree Kant Mishra S/o Sri Niwas Mishra resident of Village- Barka Gaon, Mansi Patti, Bajariya Tola, PS Budar (T), District Buxar, at present Vir Kunwar Singh Colony, Near Hanuman Mandir Charitravan, PS Buxar (T) District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ranju Mishra W/o Sri Kant Mishra Mohalla- Veer Kunwar Singh Colony, Near Hanuman Mandir, Charitravan, P.s Buxar (T) Dist Buxar at Present Civil Lines Buxar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-08-2016 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 under Sections 323, 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present before this Court.

It is submitted by learned counsel for the petitioner that petitioner has performed marriage with the complainant after the death of his first wife and petitioner has

three children from the first wife. The petitioner is ready to keep the complainant as wife with dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the complainant/opposite party no. 2 was being given all due honour respect, regard, love, affection, and everything which she needed right from 2000 till date and the petitioner welcomes her to return back to the matrimonial home. The petitioner even today is ready to keep her as his lawful wife and she will get back all which she was enjoying for last sixteen years.”

It is submitted by learned counsel for the complainant that complainant is not ready to accept the offer of the petitioner since she was forcefully administered contraceptive pills and subjected to force sterilization.

In the alternative, petitioner is ready to make payment Rs. 3000/- per month to the complainant from October, 2016, by depositing the same in the bank account of the complainant by second week of every month.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number on affidavit before learned Court below within a period of four weeks. In the circumstance, the complainant is not opposing the prayer for bail of the petitioner at present.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 554(C) of 2015.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

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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