

Arising Out of PS.Case No. -29 Year- 2015 Thana -MAHILA PS District- GAYA

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. L.K. Sharma (App)

6 18-10-2016

The basic accusation is of torture and performing second marriage.

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of two children. The petitioner received severe burn injury in 2007 and thereafter the informant deserted the petitioner. The petitioner filed Matrimonial Suit

No. 307 of 2010 for the restitution of conjugal life and is still ready to keep the informant as wife with dignity and honour. A statement to that effect has been made in para 12 of the petition. It is further submitted that since the informant deserted the petitioner, hence petitioner has performed second marriage.

It is submitted by learned counsel for the informant that since petitioner has performed second marriage, hence informant is not ready to resume the conjugal life. However, the informant will not oppose the prayer for bail of the petitioner if certain amount is paid for the welfare of the children and the informant.

It is submitted by learned counsel for the petitioner that in the alternative, petitioner is ready to make payment of Rs. 3000/- per month to the informant from December, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

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 Additional Chief Judicial Magistrate, 1st, Gaya in connection with Gaya Mahila P.S. Case No. 29 of 2015.

The above mentioned 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 informant 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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