

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57171 of 2015

Arising Out of PS.Case No. -284 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Rishi Raj Kumar, Son of Nandkishore Rai Resident of Village Rampur
P.S. and District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Ritu Devi W/o Rishi Raj Kumar D/o Sarjug Rai Resident of Village
Panchor, P.S. Riga District Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Sinha-3, Advocate

For the Opposite Party/s : Mr. Md. Ashlam Ansari(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

6 02-12-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant on 01.03.2012. It is further submitted that since complainant is suffering from H.I.V. (AIDS), much prior to the marriage, hence, the chance of reconciliation is not feasible at



present.

Learned counsel for the complainant submits that complainant is not suffering from HIV (AIDS) and she is ready to resume the conjugal life with the petitioner, however, the petitioner has performed second marriage. Though, this contention of the complainant has been controverted by the counsel appearing for the petitioner. The matter was adjourned for getting the issue resolved on the basis of payment of one time settlement amount, but the issue could not be resolved as the dispute persist with regard to quantum of one time settlement amount.

However, the petitioner is ready to make payment of Rs. 3,000/- per month from January, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, keeping in view to save the complainant from destitution and vagrancy with lurking hope that the issue may be reconciled in future, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from



today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C1-284 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file 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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