

Arising Out of PS.Case No. -792 Year- 2013 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

.... Petitioner/s

1. The State of Bihar
2. Smt. Gyanti Devi W/o Jaiprakash Chauhan resident of village - Jalalpur, P.S. Nalanda, Distt. - Nalanda, At present D/o Sri Rajendra Chauhan resident of village - Kishunpur, P.S. Kako Distt. - Jehanabad

.... Opposite Party/s

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava
For the Opposite Party/s : Mr. Md.Nazir Ansari (App)

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 494, 498A of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of three children, out of which one daughter is residing with the petitioner. The petitioner is



making payment of Rs. 4000/- per month to the complainant for the welfare of two children and the complainant since April, 2016. The petitioner has also allowed the complainant to reside in the house situated in the native village of petitioner at Jalalpur in the District of Nalanda.

It is further submitted by learned counsel for the petitioner that petitioner is ready to continue making payment of Rs. 4000/- per month to the complainant for the welfare of the complainant and her two children. The petitioner is also ready to maintain, educate and solemnize marriage to the daughter who is residing with the petitioner. The petitioner further undertakes to make payment of Rs. 40,000/- within a period of four months for the repair of the house in question where the complainant is residing.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner. Hence, the complainant is not opposing the prayer for bail of the petitioner. The complainant undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of two 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 Sub-Divisional Judicial Magistrate, Jehanabad in connection with Complaint Case No. 792 of 2013.

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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