

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33179 of 2016

Arising Out of PS.Case No. -234 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

=====

Anil Kumar Thakur Son of Sri Birbal Thakur, Resident of Village-
Khangaon, P.S Raj Nagar, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prerana Wife of Anil Kumar Thakur Daughter of Sri Sahdev Thakur,
Resident of Mohalla- Lakri Gaht Road, Chandwara, P.S- Nagar,
District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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

06/ 19-01-2017 Heard learned counsels for the petitioner, State
and the complainant-opposite party no.2.

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 and 494 of the Indian Penal Code.

The basic accusation is of torture and
performing second marriage.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the



complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That the petitioner is husband of the informant and is ready to keep and maintain her with full honour and dignity in the matrimonial house.”

It is further submitted that the petitioner has not performed second marriage, statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner has not solemnized any marriage as alleged by the complainant.”

Though, the anticipatory bail petition of the petitioner was disposed of by learned Sessions Judge since only summons were issued but supplementary affidavit has been filed to the effect that non-bailable warrant of arrest has been issued, statement to that effect has been made in paragraph 2 of the supplementary affidavit, which reads as follows:-

“That the present supplementary affidavit is being filed for bringing on record the order dated 15.06.2015 by which order for issuance of non-bailable warrant of arrest has been issued against the accused persons by the learned Magistrate in Complaint Case No. 234/2014 Tr. No. 1977/2016.”

Hence, the present bail application is applicable.



Learned counsel for the complainant submits that the complainant has definite information that petitioner has performed second marriage and hence, she is not ready to accept the offer of the petitioner of resuming the conjugal life. Earlier also a complaint case was filed with accusation under Section 498A of the IPC but the same was compromised and thereafter a baby was born, but subsequently the torture was inflicted, hence, the present complaint.

In view of the inconsistent stand the parties the issue is not likely to be reconciled.

However, the petitioner is ready to make payment of Rs.2,500/- per month from February, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

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

Considering the present stand of the parties, 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, East, Muzaffarpur in connection with Complaint Case No. 234 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected 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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