

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33981 of 2016

Arising Out of PS.Case No. -847 Year- 2014 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

=====

Sanjiv Kumar Son of Vinay Prasad Resident of Village- Maniyarganj, P.S.-
Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pushpa Kumari @ Guriya Kumari D/o Awadhesh Singh Resident of
Village- Paltu Bigha, P.S.- Makhdumpur, District- Jahanabad.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

=====

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

ORAL ORDER

06/ 02-02-2017

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
process has been directed to be issued after cognizance being
taken for the offences punishable under Section 498A of the
Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant having no issue. The complainant herself deserted the
petitioner. Though, the complainant alleges that the petitioner has



performed second marriage but cognizance has only been taken under Section 494 of the IPC.

Counsel for the complainant submits that since the petitioner has performed second marriage the complainant is not ready to resume conjugal life. However, the petitioner has not complied the order dated 25.04.2014 passed by learned Judicial Magistrate in Domestic Violence Case No. 05 of 2014 whereby the learned Magistrate directed not to torture the complainant, arrange a residential house for the complainant, make payment of Rs.5,000/- for the loss caused to the complainant and Rs.3,000/- by 15th day of every succeeding month.

Counsel for the petitioner submits that, though, the petitioner has challenged the order of learned Magistrate passed in Domestic Violence Case No. 05 of 2014 before the learned Additional District & Sessions Judge-V, Jehanabad being Criminal Appeal No. 22 of 2014 but he is ready to comply the order dated 25.04.2014 in including the arrears of maintenance amount within a period of one month, though statement to that effect has not been made in the petition.

Counsel for the complainant submits that if the petitioner complies the order dated 25.04.2014 passed in Domestic Violence Case No. 05 of 2014 then in that



circumstance, the complainant is not opposing the prayer for anticipatory bail of the petitioner.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for five weeks, in the event of his arrest or surrender before the learned court below within a period of four 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 Sub-divisional Judicial Magistrate, Jehanabad in connection with Complaint Case No. 847 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on compliance of the order dated 25.04.2014 passed by learned Magistrate in Domestic Violence Case No. 05 of 2014.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

