

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43095 of 2016

Arising Out of PS.Case No. -1109 Year- 2012 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Shamsher Bahadur Singh @ Guddu Singh son of Subedar Singh.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 25-04-2017 Heard Mr. Binod Kumar Singh, learned Counsel for the

petitioner, Mr. Surendra Kumar Singh, learned counsel for the

complainant and Mr. J.N. Thakur, learned counsel for the State.

The petitioner being the husband of the complainant is
apprehending 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.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant in the year
1996 having no issue. The complainant mechanically alleged
torture after twenty years of marriage. However, the petitioner is
ready to keep the complainant as wife with full dignity and
honour, statement to that effect has been made in para 7 of the



petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour.”

Learned counsel for the complainant submits that the complainant is not ready to resume conjugal life as she is apprehensive due to past conduct of the petitioner. The complainant was ready to settle the issue on payment of one time settlement amount but the issue could not be resolved in terms of payment of one time settlement amount since there was difference between the parties with regard to quantum of one time settlement amount.

It is submitted on behalf of the petitioner that the petitioner is ready to pay ₹3,500/- per month to the complainant from June, 2017 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to supply her bank account number to the petitioner by filing the same on affidavit before the learned court below within a period of three weeks and in the circumstances, she is not opposing the prayer for bail of the petitioner.



Considering the stand of the petitioner, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may be reconciled in future, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Buxar in connection with Complainant Case No. 1109C of 2012, subject to the conditions as laid down under Section 438(2) Cr. P.C.

The aforesaid payment will be subject to any order being passed in matrimonial, maintenance proceeding or any other collateral proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an 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)

Amrendra/-

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