

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32884 of 2016

Arising Out of PS.Case No. -74 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Arvind Kumar @ Dr. Arvind Kumar, son of Dr. Yugal Kishore Singh,
resident of Paschimi Gopalpur, Raza Bazar, P.S. –Motihari Town, Distt.-
East Champaran.

.... Petitioner/s

Versus

1. State of Bihar
2. Arti Kumari, wife of Arvind Kumar @ Dr. Arvind Kumar, D/o Sakal
Bihari Kushwaha, residing at Bank Road, Motihari, P.S.-Chhatauni,
Distt.East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Sri Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-01-2017

Heard.

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.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and birth of
a female child, but subsequently the petitioner found that the
complainant had illicit relationship with one Rajeev Kumar, who
subsequently committed robbery in the medical clinic of the



petitioner, leading to filing of Complaint Case No.1334/2016. The petitioner has also filed Matrimonial Suit No.286/2015 on 22.09.2015 with a prayer for divorce whereas the present complaint was filed on 08.01.2016. Under the circumstances, the chances of issue being reconciled are very low. However, in alternative, the petitioner is ready to make payment of Rs.5000/- (rupees five thousand only) per month to the complainant from March, 2017 by depositing the same in the bank account of the complainant by second week of every succeeding month, though, statement to that effect has not been made in the petition.

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

Considering the present stand of the parties, in order save the complainant and the minor child from the destitution and vagrancy with lurking hope that the issue may reconcile 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 Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Trial No.1969 of 2016 arising out of Complaint Case No.74C of 2016, 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 or maintenance 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 will not preclude the parties to reconcile the issue otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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