

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13874 of 2017

Arising Out of PS.Case No. -1299 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

=====

1. Bikram Giri, son of Nunu Babu Giri, resident of village- Ramdiri Musan Tola, P.O. Kamaruddinpur, P.S.- Singhaul Mufassil, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Devi, wife of Bikram Giri, R/o village- Ramdiri Musan Tola, P.O.- Kamaruddinpur, P.S.- Singhaul Mufassil, District- Begusarai and daughter of late Sundeshwar Giri, R/o Village- Kalyanpur Dakhin Tola, P.S.- Bibhutipur, District- Samastipur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Suresh Chand Giri, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP
Mr. Rajesh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 11-07-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint Case CR No.1299 of 2013 (Tr. No.2680 of 2016) instituted for the offence under Section(s) 498-A and 494 Indian Penal Code.

Petitioner is husband of the complainant-Opposite Party No.2.

It has been submitted by the petitioner that the wife- Opposite Party No.2 is suffering from HIV and, therefore, he has performed another marriage in 2013.

The wife has admitted that she is suffering from



HIV. She has stated that she was married with the petitioner in 2009. After performing second marriage, the petitioner is not making payment of any amount to her towards her maintenance and treatment. It has been submitted by the wife that her husband is working in Indian Oil Corporation with some Contractor and is earning rupees 20-25 thousand per month. It has further been submitted that the petitioner is maintaining his second wife and two children born out of their wedlock.

Both the parties have agreed for one time settlement on payment of rupees two lacs as full and final settlement to be paid by the petitioner to the wife-Opposite Party No.2 in thirty equal installments.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. ACJM-III, Rosera, within a period of four weeks from today in connection with Complaint Case CR No.1299 of 2013 (Tr. No.2680 of 2016), along with proof showing payment of first installment to the complainant either by cash or by depositing the same into the Account of the complainant and, in that event, the court below will release the petitioner on provisional bail and thereafter the petitioner will continue to make payment of the remaining amount by 15th of every month either by cash or by



depositing the same into the account of the wife-Opposite Party No.2 and after making full payment of rupees two lacs in thirty installments, provisional bail of the petitioner will be confirmed by the learned Court below.

The complainant after getting the entire amount of rupees two lacs will withdraw all the case(s) filed by her against the petitioner.

The complainant will furnish the name of the bank and the account no. to the petitioner for depositing the installments in time.

It is made clear that in the event the petitioner does not surrender in the Court below along with proof of payment of first installment, as ordered above, or the petitioner makes a single default in making payment of the aforesaid amount, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

JA/-

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

