

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39519 of 2014

Arising Out of PS.Case No. -143 Year- 2014 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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1. Mukesh Paswan Son of Ram Ashish Paswan Resident of Village -
Rasalpur, Police Station - Fatuha, District - Patna.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Mukherjee

For the Opposite Party : Mr. Indra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-05-2015

The matter has been listed under the heading

“For office note” but since the petitioner and the informant have appeared, the matter is being taken up for Admission.

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 341, 494, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is torture for non-fulfilment of dowry demand and performing second marriage.

The petitioner is not ready to reconcile the issue due to the past conduct of the informant and admits that he has performed second marriage. The informant though is ready to resume the conjugal life.

The marriage between the petitioner and the informant and birth of a male child are admitted facts. The child is staying with the informant.

The petitioner is ready to make payment of

Rs. 2000/- to the informant for the welfare of the child from June, 2015, by depositing the same in the bank account of the informant by second week of every month. The aforesaid offer is acceptable to the informant who undertakes to supply her bank account number within a period of three weeks by filing the same on affidavit before learned Court below.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S. Case No. 143 of 2014.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance, or related proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate 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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