

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36362 of 2015

Arising Out of PS.Case No. -295 Year- 2013 Thana -PHULPARAS District- MADHUBANI

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Sujeet Jha @ Sujeeta Jha @ Lakhan Jha Son of Shiv Shankar Jha

.... Petitioner/s

Versus

1. The State of Bihar.

2. Kalpana Devi Daughter of Jay Chandra Jha

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-12-2015 The matter has been listed under the heading For
Orders (On Office Notes) due to non-service of notice upon
opposite party no.2.

Since the petitioner and opposite party no.2 have
entered their appearance and are present in the court, the matter
has been taken up "For Admission".

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 498A/34 of the Indian Penal Code and
3/4 of the Dowry Prohibition Act .

The basic accusation is of torture for non-fulfillment of
dowry demand.

It is submitted by learned counsel for the petitioner that

petitioner never married with opposite party no.2 rather opposite party no.2 is wife of one Kamlesh Jha, which is apparent from the Complaint Case No.1019 of 2014 filed by Kamlesh Jha against the father of opposite party no.2.

It is submitted by learned counsel for the informant that informant was earlier married with Kamlesh Jha but, subsequently, she performed marriage with the petitioner in a temple. The said fact is being denied by the learned counsel representing the petitioner.

It is further submitted on behalf of the petitioner that the petitioner is ready to pay Rs. 1,000/- per month to the informant from January, 2016 by depositing the same in the bank account of the informant by second week of every month.

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

Considering the stand of the petitioner but without giving any finding with regard to the factum of marriage between the petitioner and the informant, 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 Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 295 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The above payment in no way will be treated as a proof of marriage between the parties. 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 informant to file an application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

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