

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24429 of 2015

Arising Out of PS.Case No. -909 Year- 2013 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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Ramlal Singh @ Ram Pravesh Singh s/o Bechan Singh resident of village-
Tegachhi, P.S. Chautham, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rubi Devi D/o Yogendra Singh resident of village- Mathurapur,
(Sonbarsha), P.S. Chauthan, District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. Dilip Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 15-10-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A, 494 of the Indian Penal Code and 3/4 of Dowry

Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

The notices were issued to the complainant-opposite party no. 2 on submission of learned counsel for the petitioner that the petitioner has not performed second marriage, though, statement to that effect has not been made in the petition and petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant as with full dignity and honour.”

Counsel for the petitioner submits that under long instruction earlier it was submitted that the petitioner has not performed second marriage, but now it is submitted that the petitioner has performed second marriage. The petitioner admits his marriage with the complainant and birth of two children.

Counsel for the complainant submits that since the petitioner has performed second marriage, hence, the complainant is apprehensive in going to the matrimonial house.

In the alternative, the petitioner is ready to pay



Rs.3,000/- per month from November, 2015 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant 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.

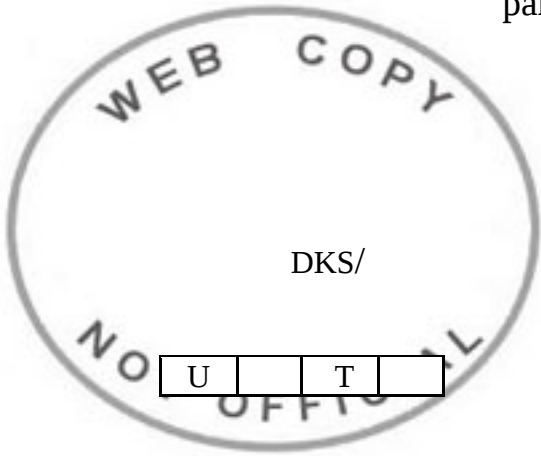
Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Khagaria in connection with Complaint Case No. 909C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file 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.)