

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24480 of 2015

Arising Out of PS.Case No. -35 Year- 2012 Thana -MAHILA PS District- DARBHANGA

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Raj Kumar Malakar Son of Amarnath Malakar Resident of Village- Ram Nagar, P.S. - Gaighat, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nirmala, Wife of Raj Kumar Malakar, Daughter of Late Parmeshwar Bhagat, Resident of Mohalla – Imambari, P.S. Laheriasarai, District – Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Prem Kumar Jha(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 informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

The petitioner and the informant are present.

Counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a female child and is ready to keep the informant as wife with full

dignity and honour, but since the informant has impaired vision of 100% in one eye and 90% in other with the consent of the family members of the informant, the petitioner has performed second marriage with the maternal sister of the informant.

Counsel for the informant submits that since the petitioner has performed second marriage of his own and she still has workable vision in both the eyes, hence, she is not, at present, ready to accept the offer of the petitioner to resume conjugal life. However, she only wants some monthly allowance for the welfare of the child.

Counsel for the petitioner submits that the petitioner is ready to pay Rs.2,000/- per month from November, 2015 to the informant by depositing the same in her account by second week of every month.

Counsel for the informant submits that the informant 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 Chief Judicial Magistrate, Darbhanga in connection with Darbhanga Mahila P.S. Case No. 35 of 2012, 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 informant 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.)

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