

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33396 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -BODHGAYA District- GAYA

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1. Chandan Kumar @ Chandan Kumar Nishant Son of Bhagwat Mahto
Resident of Village - Nad, P.S.- Akbarpur, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari Daughter of Nand Kishore Prasad, Resident of Village -
Hathiad, P.O.+P.S.- Gaya, District - Gay

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Rajiv Nayan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 29-09-2015 Heard learned counsels for the petitioner, informant and
the State.

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

The basic accusation is of torture for non fulfillment of dowry demands.

The petitioner and the informant are present in court.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant. The petitioner has filed Matrimonial Suit No. 98 of 2015 for restitution

of conjugal rights and still ready to keep the informant as wife with due dignity and honour. Statement to that effect is made in paragraph 8 of the petition.

Learned counsel for the informant submits that though the accusation of performance of second marriage was not levelled in the FIR but the petitioner has performed second marriage subsequently, hence, the informant is not ready to accept the offer of the petitioner at present.

In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2100/- per month from November, 2015 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, 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 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 CJM, Gaya in connection with Bodh Gaya P.S. Case No.124 of 2015 subject to the conditions as laid

down under Section 438(2) Cr.P.C.

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.

The present order will, in no way, preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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