

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40858 of 2014

Arising Out of PS.Case No. -89 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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Abyay Kumar @ Bintu @ Bitu, S/o Yogendra Rai, Resident of Village-Simari, Dudhi Patti, P.S.-Simari, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari, W/o Abyay Kumar @ Bintu @ Bitu, R/o Village-Simari Dudhi Patti, P.S.-Simari, District-Buxar at present-Vijay Nagar, Lane No. 6, P.S.-Rupaspur, Town and District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

8 03-12-2015

Heard learned counsel for the petitioner, learned A.P.P for the State and learned counsel for the opposite party no. 2. The petitioner as well as opposite party no. 2 are also present in Court.

The petitioner seeks bail in Bhojpur Mahila P.S. Case No. 89 of 2014 dated 01.06.2014 instituted under Sections 323/341/498A/354B/406/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Earlier by order dated 05.11.2014, the petitioner was granted provisional bail in presence of learned counsel for the opposite party no. 2. Thereafter, the Court by various orders has tried to get the matter reconciled between the parties as both were young and there was a minor girl child born out of the wedlock.



Despite the best efforts of the Court, it appears that the parties have not been able to overcome their differences and live peacefully. According to the petitioner he has complied with all the directions given by the Court with regard to giving a monthly amount to the opposite party no. 2 to run the house and also with regard to him also residing in the matrimonial home with opposite party no. 2 every day and in support of which he had been reporting to the local Police Station every day. On the other hand, the opposite party no. 2 has filed an affidavit and submits that due to her illness she had to return to her parents home and when she became cured, she has gone to the matrimonial home and even bought some household articles but substantial amount of money which she had withdrawn from the account was snatched by the petitioner. Further, on a query of the Court as to why she did not report the matter to the police when she had also been given the liberty to approach the Superintendent of Police directly and which in the past also she was doing, the reply was that it was inadvertent and thus such fact has been brought to the notice of the Court on affidavit filed on her behalf today.

The allegation against the petitioner in the complaint case is basically that the petitioner was torturing her for dowry and she had also alleged that her father-in-law was trying to take undue advantage of her loneliness.

In the considered opinion of the Court, no purpose would be served in keeping the petitioner behind bars as in that event he may not be able to even earn his livelihood much less pay something for supporting his wife and child.

At this stage, the petitioner submits that he shall deposit Rs. 1000/- per month in the name of the minor child so that lateron it may be useful for the purposes of her marriage. It is also submitted that for major expenses on the child, like medical treatment, education etc. he will take care of the same. Further, it is also agreed that the petitioner shall pay Rs. 3000/- per month to the opposite party no. 2 which shall be deposited in her account by the 10th of every following month. The provisional bail granted to the petitioner stands confirmed subject to the aforesaid conditions. Any violation of the said terms shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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