

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51698 of 2014

Arising Out of PS.Case No. -134 Year- 2013 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Bijendra Sao Son of Late Rameshwar Sao, Resident of village- Usari Dih,
P.S.- Mahendiya, District- Arwal

.... Petitioner/s

Versus

1. The State of Bihar
2. Baby Devi W/o Bijendra Sao, R/o village – Usari Dih, P.S. Mahendiya,
District – Arwal, at present R/o village – Chiksi Tadi, P.S. Nadahari,
P.S. Sigori, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Chandra Bose

For the Opposite Party/s : Mr. Ashok Kumar Singh-1(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

07/ 28-09-2015

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 filed
with accusation under Sections 323, 494, 498A, 379 of the
Indian Penal Code and 4 of Dowry Prohibition Act wherein
processes have been directed to be issued after cognizance
being taken.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children. Both children are residing with the complainant. It is further submitted that since the complainant deserted the petitioner and hence, the petitioner performed second marriage.

It is submitted by learned counsel for the complainant that the complainant has not performed second marriage, supplementary affidavit has been filed to that effect, but since the petitioner has performed second marriage she is not ready to accept the offer of the petitioner for resuming the conjugal life.

However, the petitioner is ready to pay Rs.2,500/- per month from November, 2015 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit the 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, Jehanabad in connection with Complaint Case No. 134 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.)

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