

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13450 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -ALIPUR District- GAYA

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Shyam Krishna @ Rintu Sharma, son of Shri Ramakant Sharma @ Kamta
Guru, resident of Village-Kesapa, P.S.-Alipur, District-Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2016

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 498A/34 of the Indian Penal Code.

The prosecution case is that the informant was married with the petitioner on 29.04.2006 and in the year 2007 she was blessed with a female child but thereafter torture was inflicted for non-fulfilment of dowry demand and she was driven out along with her daughter from the matrimonial house on 26.12.2012. Now the petitioner is on the way to perform second marriage.

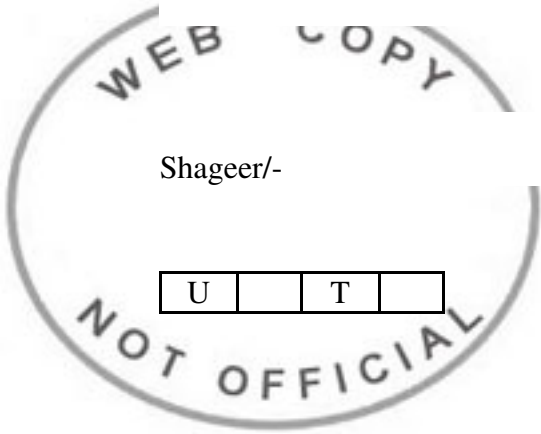
It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant. At earlier point of time Goh P.S. Case No. 29 of 2013

was registered with accusations under Sections 341, 323, 498A, 504, 379/34 of the Indian Penal Code on 04.02.2013 wherein the petitioner has been granted anticipatory bail by learned Court below and thereafter the present case has been registered with similar accusation on 27.01.2016. It is further submitted that petitioner is making payment of maintenance amount of Rs. 2750/- per month to the informant in pursuance to the order dated 09.12.2014 passed by learned Principal Judge, Family Court, Aurangabad in Miscellaneous Case No. 02 of 2013. A statement to that effect has been made in para 17 of the petition which reads as follows:-

“That it is stated that the maintenance amount a sum of Rs. 2750/- is regularly being paid by the petitioner to the informant in compliance of order dated 29.12.2014 passed in Misc Case No. 02 of 2013 by the Principal Judge, Family Court, Aurangabad.”

Considering the fact that petitioner has been granted anticipatory bail in earlier case filed with similar accusation and petitioner is regularly paying maintenance to the informant, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail 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, Gaya in connection with Alipur P.S.

Case No. 11 of 2016, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)