

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18465 of 2016

Arising Out of PS.Case No. -67 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

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1. Dharmendra Mishra Son of Madan Mishra resident of village - Mahuli,
P.S. Udwant Nagar, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Devi Wife of Dharmendra Mishra resident of village - Mahuli,
P.S. Udwant Nagar, District - Bhojpur and at Present residing at Jha Sadan,
behind Sudha Ice Cream Factory, M.P. Bagh, Ara Nagar, District - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Navin Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 09-12-2016 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 Sections 323 and 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and the petitioner is still ready to keep the informant as wife with full



dignity and honour. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That it is also humble submitted here that petitioner is willing to keep his wife with a great respect but informant does not want to live with the petitioner. Therefore matter of reconciliation has been failed.”

Learned counsel for the O.P. No. 2 submits that the petitioner performed marriage with O.P. No. 2 on 20.5.1997 but has performed second marriage on 20.5.2007, hence in the circumstances, the informant is not ready to resume conjugal life. It is further submitted by learned counsel for the petitioner that the petitioner performed second marriage since there was no issue with the informant but with the consent of the informant. However, the petitioner is ready to make payment of Rs.4000/- per month to the informant from February, 2017 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant, on instructions, submits that 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. In such circumstances, learned counsel for the informant submits that informant is not opposing the prayer for



bail of the petitioner.

Considering the present stand of the parties and to save the informant from destitution and vagrancy, 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 SDJM, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No.67 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)

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