

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43335 of 2015

Arising Out of PS.Case No. -24 Year- 2014 Thana -MAHILA P.S. District- LAKHISARAI

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Nitesh Kumar @ Nitesh Kumar Choudhary S/o Baleshwar Choudhary

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh, Advocate

For the Opposite Party/s : Mr. R.B. Roy Raman (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 15-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/313/406/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand and getting the pregnancy of the informant terminated.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant but the accusation of torture and assault are absolutely false and the informant is blind by birth. The petitioner is still ready to keep the informant as wife with dignity and honour. A statement to that effect has been made in paragraph 8 of the petition, which reads as

follows :-

"That, the petitioner is husband of alleged victim Puja Kumari and always ready to keep her with full dignity and honours."

It is submitted by learned counsel for the informant that the vision of the informant got impaired due to assault made by the petitioner and her pregnancy was also terminated. Hence, the informant is not ready to resume the conjugal life due to past cruel conduct of the petitioner and the petitioner has performed second marriage.

On instruction, learned counsel for the petitioner admits the second marriage of the petitioner but submits that the petitioner is ready to make payment of Rs. 1,800/- per month to the informant from April, 2016 by depositing the same in the bank account of the informant by second week of every month.

The counsel for the informant, on instruction, submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account 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 arrest or surrender before the learned Court below within

a period of 12 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 the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Mahila) P.S. Case No.24/2014 , 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 not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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