

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35077 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -GOGRI District- KHAGARIA

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Bikash Kumar, son of late Laxmi Kant Thakur

.... Petitioner/s

Versus

1. State of Bihar
2. Neha Kumari, daughter of Mahesh Jha

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Jha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the petitioner was kidnapped and was forced to marry with the informant for which the petitioner filed Complaint Case No.2262(C)/2013 but since the accused persons agreed not to insist with regard to the forceful marriage, then the petitioner did not pursue the complainant. The petitioner filed Matrimonial Suit No.81/2015 for annulment of marriage on 10.11.2015 and thereafter the present case has been registered on 16.05.2016. It is

further submitted that the petitioner is ready to make payment of Rs.1,500/- per month to the informant from September, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month.

Considering the nature of accusation in the background of dispute with regard to performance of marriage, 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 Judicial Magistrate, Khagaria, in connection with Gogri P.S. Case No.81/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the informant within a period of three weeks when it is expected that the informant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below. If the informant fails to supply her bank account number, then the aforesaid amount will be deposited before the learned Court below.

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)

Ashwini/-

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