

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14942 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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Navinchandra Mishr @ Navinchandra Mishra, Son of Ugranarayan Mishra,
Resident of Village – Gospur, P.S. Karjain, District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Mishra, W/o Navin Chandra Mishra @ Navinchandra Mishra
R/o village – Hulas, P.S. Raghobpur, District – Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

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

ORAL ORDER

05/ 25-10-2016

Heard learned counsels for the petitioner, State

and the informant.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 498A/34, 494 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the



informant having no issue. Earlier the informant has filed Supaul Mahila P.S. Case No. 11 of 2014 with similar accusation in which the petitioner has been acquitted. The petitioner has filed Matrimonial Suit No. 04 of 2014 for restitution of conjugal rights in which the informant has not appeared till date and same is still pending. It is further submitted that at present situation the issue could not be resolved. However, the petitioner is ready to make payment of Rs.3,500/- per month from December, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of four weeks and is not opposing the prayer for anticipatory bail at present.

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 Additional Chief Judicial Magistrate-IV, Supaul in connection

with Supaul Mahila P.S. Case No. 07 of 2016, 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 informant 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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