

Arising Out of PS.Case No. -619 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

.... Petitioner/s

1. The State of Bihar.

.... Opposite Party/s

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

ORAL ORDER

Heard learned counsel for the petitioner

The petitioner being the husband of the complainant is languishing in custody since 23.08.2016 in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

It is submitted by the learned counsel for

the petitioner that petitioner admits his marriage with the

complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That the complainant /O.P. No. 2 appeared before the court she was also not ready to leave with the petitioner and for the petitioner also it is not possible to restore conjugal life as the complainant married with one Prem Kumar son of Devi Thakur, R/o Khaira Balua, P.S.- Nawalpur, District- West Champaran on 30.04.2015 in this respect a certificate has also been issued by the Mukhiya Panchayat Raj Siswa Bhumila and affidavit filed by the father of the petitioner before the court below also and even though the petitioner is still ready to keep her with full honour and dignity.”

It is further submitted that though the petitioner has challenged the order dated 01.03.2012, passed in Maintenance Case No. 65(M) of 2011 under Section 127 of the Cr.P.C., since the complainant has performed second marriage, but he is ready to make payment of arrears of maintenance amount, subject to the order being passed by learned court below in the petition preferred under Section 127 Cr.P.C. Though, statement to that effect has not been made in the petition.

It is submitted by the learned counsel for the informant that petitioner was granted provisional anticipatory bail by this Court on undertaking that the petitioner is ready to keep the complainant as wife with full

dignity and honour, but he failed to comply the undertaking, thereafter the second bail application has been filed. The petitioner concealed the fact that his first wife also died.

Considering the nature of accusation and the undertaking with regard to payment of maintenance amount, let the above named petitioner, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 619C of 2011.

The bail bond of the petitioner shall be accepted on filing proof with regard to payment of arrears of maintenance amount.

(Dinesh Kumar Singh, J)

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