

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44672 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -MAHILA P.S. District- NAWADA

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Khurshid Alam son of Late Shaukat Ali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. (Dr.) Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-10-2016

Heard learned counsels for the petitioner, informant
and the State.

The petitioner being the husband of the informant
is languishing in custody since 26.08.2016 in a case registered
for the offences punishable under sections 498A/307/494 of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of
dowry demand, making assault and performing second marriage.

It is submitted by learned counsel for the petitioner
that the petitioner admits his marriage with the informant and
birth of a child. In fact, the informant herself deserted the
petitioner; as a result the petitioner filed Matrimonial Suit
No.121/2011 for restitution of conjugal life. The same was
decreed but the informant did not resume the conjugal life, as a

result the petitioner performed second marriage. It is further submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in the petition, which reads as under :-

"That, petitioner is always ready to keep the informant as a wife with dignity but she does not want to live."

Learned counsel for the petitioner further submits that however the petitioner is ready to make payment of Rs.2000/- per month to the informant from December, 2016 for welfare of the child by depositing the same in the bank account of the informant by second week of every succeeding month.

The 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 two weeks.

Considering the nature of accusation and present stand of the petitioner, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-III, Nawada, in connection with Nawada Mahila P.S. Case No.42/2016.

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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