IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27992 of 2016

Arising Out of PS.Case No. -198 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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1. Deepak Kumar son of Shivjee Ram, resident of village- Jamuaon, P.S.- Sandesh, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Devi daughter of Prem Kumar Ram, resident of village- Dariyapur, P.S.- Udwant Nagar, District- Bhojpur.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar Jha
For the Opposite Party/s : Mr. Sri Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 08-12-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 498A, 379/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of four children, out of four children, three children are residing with the petitioner. The informant deserted the petitioner with one infant child and is in illicit relationship with someone else. It is further submitted that when the informant did not return to the matrimonial house then the petitioner filed Matrimonial Suit No. 200 of 2015 with

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a prayer for divorce wherein notices were issued to the informant being the defendant in the proceeding vide order dated 08.06.2015 wherein the informant has filed the written statement on 09.06.2015 and thereafter the present F.I.R was registered on 20.02.2016. In the circumstances, it is not feasible for the petitioner to keep the informant who herself deserted the petitioner. It is also submitted that petitioner is serious patient of epilepsy and is himself dependent upon his parents who are also maintaining the three children of the petitioner.

It is submitted by learned counsel for the informant that accusation of adultery levelled against the informant is malicious and subsequent development. The grounds taken in the matrimonial suit does not reflect any averment with regard to adultery.

It is submitted by learned counsel for the petitioner that amendment application in this regard has been filed in the matrimonial suit. It is further submitted that petitioner is ready to make payment of Rs. 1500/- per month to the informant from January, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month.

It is submitted by learned counsel for the informant that though the informant feels that the amount is meager but ready to accept the same and undertakes to supply her bank account number by submitting the same on affidavit

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before learned Court below within a period of three weeks.

Considering the filing of the matrimonial suit at earlier point of time, the present stand of the parties and the fact that petitioner is maintaining his three children in spite of his ill health, keeping in view to save the informant from vagrancy and destitution, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Ara at Bhojpur in connection with Mahila P.S. Case No. 198 of 2016.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate application for cancellation of bail of the petitioner.

The present order, in no way will preclude the parties to resolve the issue otherwise.

However, it is made clear that this Court has not made any opinion with regard to the merits of the accusations and the counter accusations levelled by the petitioner.

(Dinesh Kumar Singh, J)

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