

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6525 of 2016

Arising Out of PS.Case No. -163 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

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Balvir Singh, son of Satendra Singh, resident of village- Osai, P.S.- Bihiya,
Dist.- Bhojpur, At present City Santi Nagar Kadodara in Surat State.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner/s : Mr. Rajendra Nath Sinha

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

5 20-07-2016 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323, 494 and 504/34 of the India Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a female child and is ready to keep his wife with full dignity and honour. A statement to that effect has been made in Paragraph-10 of the petition, which reads as

follows:-

“The petitioner is ready to keep her wife in matrimonial home with full dignity and owner.

It is further submitted that the petitioner has not performed second marriage. A statement to that effect has been made in Paragraph nos. 2 and 3 of the supplementary affidavit filed on behalf of the petitioner, which reads as follows:-

“That petitioner was married with one Anisha Devi in 17.10.2010. There after no 2nd marriage solemnized in life of the petitioner.

“That alleged allegations against the petitioner by opp. party no. 2 is malicious and biased and far away from the fact of reality.”

It is submitted by the counsel for the informant that the petitioner has performed second marriage with one Pratima Devi, hence the informant is not ready to resume the conjugal life.

The matter was adjourned on the joint prayer of the parties to get the issue settled in terms of payment of permanent alimony, but the issue could not be resolved. There were differences with regard to the quantum of the permanent alimony. However, the petitioner is ready to make payment of Rs. 4000/-

per month to the informant from August, 2016 by depositing the same in the bank account of the informant by second week of every 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 on affidavit before the learned Court within a period of three weeks.

Considering the present stand of the parties, 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. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ara, Bhojpur in connection with Mahila P.S. Case No. 163 of 2015 subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The present payment will be subject to any order being passed in matrimonial, maintenance or other connected proceedings.

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

(Dinesh Kumar Singh, J.)

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