

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13274 of 2016

Arising Out of PS.Case No. -304 Year- 2015 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. Amit Sah @ Amit Kumar Sah, Son of Bindershwari Sah, Resident of
Village- Parsa, P.S.- Dhaka, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 22-08-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 494, 498A 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 and performing second marriage.

The petitioner and the informant are present before this Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant having no issue. Since the informant failed to conceive, hence, with consent of the informant the petitioner has performed second marriage. The petitioner is still ready to keep the informant as wife with dignity and honour. A statement to that effect has been made in para 12 of the

petition which reads as follows:-

“That the petitioner humbly submits that he is ready to keep the informant with him with full honour and dignity as his wife.”

It is submitted by learned counsel for the informant that informant never gave any consent for performing second marriage and in view of the fact that petitioner has performed second marriage, the informant is not ready to accept the offer of the petitioner to resume the conjugal life.

In the alternative, petitioner is ready to make payment Rs. 3000/- per month to the informant from October, 2016, by depositing the same in the bank account of the informant by second week of every month.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner and undertakes to submit her bank account number by submitting the same on affidavit before learned Court below within a period of four weeks. In the circumstance, the informant is not opposing the prayer for bail of the petitioner.

Considering the present stand of the parties, 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, Sikrahana at Dhaka, East Champaran in connection with G.R. Case No. 1607 of 2015, arising out of Dhaka P.S. Case No. 304 of 2015.

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.

(Dinesh Kumar Singh, J)

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