

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21487 of 2016

Arising Out of PS.Case No. -151 Year- 2014 Thana -BUDDHACOLONY District- PATNA

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Rahul Dwivedi Son of Sri Kesh Nath Dubey

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-05-2016 Heard learned counsels for the petitioner, informant and the State.

The petitioner is languishing in custody since 26.04.2016 in a case registered for the offences punishable under sections 498A, 341, 323, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant but the informant is in the habit of lodging cases with frivolous accusation. Subsequent to lodging of the present case, the informant has lodged Arwal Mahila P.S. Case No.06/2015 levelling accusation under sections 341, 323, 379, 498A/504 of the

Indian Penal Code wherein the petitioner has been granted bail vide Criminal Miscellaneous No. 14880/2015 by a co-ordinate Bench of this Court and whereunder the petitioner is making payment of Rs.5,000/- per month as maintenance to the informant.

It is submitted by learned counsel for the informant that the petitioner made assault to the informant and has caused injury to her. The informant is ready for getting the marriage resolved on payment of one time settlement for which learned counsel for the petitioner submits that the petitioner is ready to accept the offer of the informant.

Both sides agreed to file a joint affidavit to get the marriage resolved before the learned Court below within a period of one month on release of the petitioner on bail in connection with the present matter.

Considering the fact that the petitioner has been granted bail in earlier case filed with similar accusation, 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 SDJM, Patna, in connection with Budha Colony P.S. Case No.151/2014.

The bail bond of the petitioner will be accepted on

filing of substantial proof on affidavit before the learned court below to the effect that the petitioner has made up-to-date monthly payment to the informant as undertaken in the earlier case.

(Dinesh Kumar Singh, J)

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