

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56900 of 2015

Arising Out of PS.Case No. -142 Year- 2015 Thana -SAHKUND District- BHAGALPUR

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1. Dipak Kumar Pal Son of Sri Keshar Pal
 2. Keshar Pal son of Late Sukhdeo Pal
 3. Ranjan Kumar Pal son of Sri Keshar Pal
 4. Gita Devi wife of Sri Keshar Pal
 5. Sulekha Devi wife of Sri Bhola Pal
 6. Chandani Kumari @ Chandani Kumar daughter of Sri Keshar Pal

Petitioner Nos. 1 to 4 and 6 are residents of Village Chakram Sah Jagaria, Police Station Shahkund, in the District of Bhagalpur and Petitioner no. 5 being resident of village Kharik, Police Station Kharik, in the district of Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anshu Kumari, wife of Dipal Kumar Pal, resident of Village Chakram Sah Jagaria, Police Station Shahkund, in the district of Bhagalpur and daughter of Sri Ram Bechan Pal, resident of Village Jagaria, Police Station Shahkund in the district of Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. A.K.Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 22-08-2016 It appears from the records that application with regard to petitioner no. 2 namely Keshar Pal and petitioner no. 3 namely Ranjan Kumar Pal was disposed of since they were

arrested during the pendency of the bail application.

Heard learned counsel for the petitioner nos. 1 and 4 to 6 and the State.

The petitioner no. 1 being the husband of the informant and petitioner nos. 4 to 6 being the mother and sisters of petitioner no. 1 are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 313, 504, 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand and getting the pregnancy terminated.

It is submitted by the learned counsel for the petitioners that petitioner no. 1 was forced to marry with the informant and at the relevant time the petitioner was minor. Hence, Matrimonial Suit No. 183 of 2015 was filed on 04.06.2015 for declaring the marriage null and void and thereafter the present complaint was filed on 01.08.2015.

However, the petitioner is ready to make payment of Rs. 1500/- per month from October, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Learned counsel for the informant submits that marriage between the petitioner and informant is not in dispute. The informant is still ready to resume the conjugal life.

It is further submitted that he has received instruction that Matrimonial Suit has been dismissed. Though, documentary proof with regard to the same has not been brought on record.

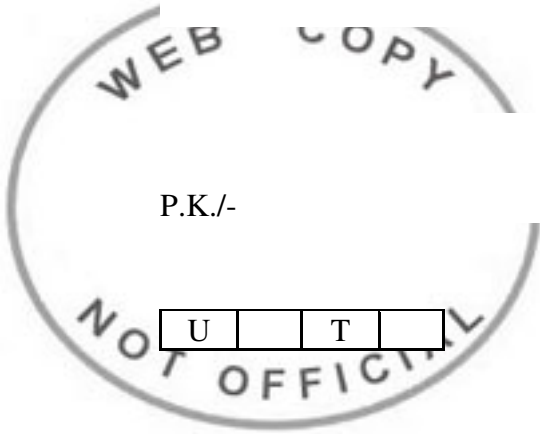
However, learned counsel for the informant submits that informant is ready to accept the offer of the petitioner no. 1 and undertakes to submit her Bank account number on affidavit before the learned court below within a period of three weeks.

Considering the dispute with regard to nature of marriage, the petitioner no. 1 being minor even at present and filing of Matrimonial Suit at earlier point of time, let the above named petitioner no. 1 and 4 to 6 be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Shahkund P.S. Case No. 142 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

Three consecutive defaults in making payment will give liberty to the informant to file 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)