

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34271 of 2015

Arising Out of PS.Case No. -1237 Year- 2013 Thana -COMPLAINT CASE District- SUPAUL

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1. Kanaklal Sharma S/o late Nokho Sharma R/o Vill- Jolahaniya , Keshav
Nagar, P.s Pipra, Dist supaul.

.... Petitioner/s

Versus

1. The State of Bihar. null null
2. Kiran Devi W/o Sri Kanak Lal Sharma R/o Vill- Jolahaniya , Keshav
Nagar, P.s Pipra, Dist supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

4 08-02-2016 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being husband of the complainant is
apprehending arrest in a complaint case wherein process has been
directed to be issued after cognizance being taken under Sections
498A,494,379 and 504/34 of the Indian Penal Code and sections 3
and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of
dowry demands and performance of second marriage.

The petitioner and the complainant are present in court.
The petitioner admits his marriage with the complainant and birth
of two children but since the complainant was suffering from

chronic illness, he performed second marriage with her consent. It is further submitted that the petitioner is ready to keep the complainant as wife and children with due dignity and honour. Statement to the aforesaid effect has been made in paragraph 8 of the petition.

Learned counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner in view of the fact that the petitioner has performed second marriage.

In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2200/- per month from March, 2016 by depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant is ready to accept the offer and undertakes to provide the bank account number of the complainant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

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 twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Supaul in connection with

Complaint Case No. 1237C of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

Anil/-

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