

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43052 of 2015

Arising Out of PS.Case No. -704 Year- 2014 Thana -KANKARBAGH District- PATNA

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1. Ravi Ranjan Kumar @ Ravi Ranjan @ Deepu Kumar @ Deepu son of Sri Krishana Prasad, resident of Mohalla Ashok Nagar, 13-C Police Station Kankarbagh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nibha Kumari, D/o Sri Rajendra Kumar Singh, R/o Mohalla Purani Jakanpur, P.S.-Jakanpur, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 19-05-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 504 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 performing second marriage.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the informant, but since there was no issue hence, the petitioner performed second marriage. Though, the petitioner is ready to keep the informant as wife with full dignity and honour.

Statement to that effect has been made in para-2 of the supplementary affidavit which reads as follows:-

“That the petitioner humble stated and submitted that he solemnized the second marriage with one lady namely Smt. Priyanka Kumari, D/o Sri Umesh Ram, resident of village- Nirakhpur, P.S.- Paliganj, District- Patna under Hindu Custom and Religion in November, 2014 after consent of first wife and petitioner working as labour and is ready to keep his wife with full dignity and honour.”

It is submitted by the learned counsel for the informant that petitioner has performed second marriage within two years of marriage and in the circumstances, the informant is not in a position to reside with the petitioner. However, in the alternative the petitioner is ready to make payment of Rs. 1800/- per month from June, 2016 to the informant by depositing the same in her account by second week of every month.

Learned counsel for the Informant submits that informant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of two weeks. Moreover the informant is not opposing the prayer for bail of he petitioner.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his 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) with two sureties of the

like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Kankarbagh P.S. Case No. 704 of 2014, 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)

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