

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42676 of 2016

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Prem Kumar Sah @ Prem Kumar Gupta, son of Manoj Sah @ Fakira Sah,
resident of Village- Chaturi Punas, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Kumari, wife of Prem Kumar Sah, daughter of late Ramdev Sah,
resident of Village- Ganeshpur, P.S.- Ahiyapur, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 20-04-2017

Heard.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 324, 313, 317, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant in a temple without dowry, hence, the accusation apparently appears to be



unreasonable. There is no medical report with regard to termination of pregnancy of the complainant. The petitioner has filed Matrimonial Suit No. 49/2016 for restitution of conjugal life, though there is no accusation in the FIR with regard to performing of second marriage, but on appearance of the complainant accusation of second marriage has been levelled. The petitioner denies the factum of second marriage. A statement to that effect has been made in para 14 of the petition which reads as follows:-

"That petitioner submits that he has not performed second marriage."

It is further submitted that the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"That the petitioner is ready to keep his wife with full dignity and respect."

It is submitted by learned counsel for the complainant is not ready to accept the offer of the petitioner since she is apprehensive of the past conduct of the petitioner, who has performed second marriage.

It is further submitted on behalf of the petitioner that in



alternative the petitioner is ready to make payment of Rs. 1800/- per month to the complainant from June, 2017 by depositing the same in the bank account of the complainant by second week of every succeeding month.

The counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the partis, 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 12 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 the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No.71/2016, 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, maintenance or any collateral 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 not preclude the parties to
reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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