

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 38277 of 2016

Arising Out of PS.Case No. -24 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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Ravindra Kumar Sah Son of Ram Govind Sah Resident of Sahpur Ward No. 4 Police Station Nauhatta, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bina Kumari, wife of Ravindra Kumar Sah, resident of Nagar Parishad, Ward No 17, PS & District - Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Arun, Advocate

For the S t a t e : Ms Sucheta Yadav, APP

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CORAM: HON'BLE MR JUSTICE DINESH KUMAR SINGH

ORAL ORDER

7 03-04-2017

Heard learned counsel for the petitioner, informant and Ms Sucheta Yadav, for the State. Petitioner and the informant are also present in person.

Petitioner, being the husband of the informant, is apprehending his arrest in Supaul (Mahila) Police Station Case No 24 of 2016 registered for offences punishable under Sections 498A, 323, 506/34 of Indian Penal Code.

Basic accusation is of torture after twenty years of marriage for non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two children (one male and one female). The petitioner got the



informant educated but when the informant got appointed as Teacher, she drove the petitioner out from the house. The house is constructed by the petitioner where the informant was residing with the petitioner. The petitioner is still ready to live with the informant, statement to this effect has been made in paragraph 7 of the petition which reads as follows:

“That the petitioner is ready to live peacefully with her as legally married husband according to her wishes but she is ill treating the petitioner with the help of her 15 years old son and her parents.”

Learned counsel for the informant submits that informant is not ready to accept the offer of the petitioner of leading conjugal life in view of the past conduct of the petitioner. Both the children are in Class XI and she does not want them to be disturbed at this juncture.

However, the petitioner is ready to make payment of Rs 3000/- (Rupees Three Thousand) from May, 2017 to the informant by depositing the same in the bank account of the informant by 02nd week of every succeeding month.

The informant is ready to accept the offer of payment reluctantly and, hence, at present is not opposing the prayer for bail of the petitioner. Though the informant is employed as a Teacher but she is unable to maintain the children. The informant



undertakes to submit her bank account number on affidavit before the learned Court below within a period of three weeks from today.

Considering the above said submission of the parties, since the issue is not likely to be resolved at present, in order to save the informant and children from destitution and vagrancy for the present, with a lurking hope that the issue may resolve in future, 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 12 weeks from today on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in Supaul (Mahila) Police Station Case No 24 of 2016 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

The above mentioned payment will be subject to any order being passed in Matrimonial, Maintenance or any other connected 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.

The informant further undertakes to allow the petitioner to reside in one room in the house in question which is situated in the district town of Supaul. The affidavit to that effect will be filed by the informant before the learned Court below. The petitioner undertakes not to create any disturbance to the informant or the children while staying in the same house.

(Dinesh Kumar Singh, J)

M.E.H./-

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