

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26816 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -MEDANICHOWK District- LAKHISARAI

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1. Jaiky Kumar Son of Nageshwar Bhagat, Resident of Village- Etaun,
Police Station- Chanan , District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-07-2017 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

The petitioner is languishing in jail since 29.03.2017 in a case registered for offence punishable under Sections 341, 323, 504, 506, 354(A), 498 (A)/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act and under Section 3/4 Witch Prohibition Act.

The prosecution case as lodged by the informant is that her marriage was solemnized with the petitioner on 06.06.2014 and just after three months of marriage the petitioner started to torture and harass her and due to non fulfillment of demand of dowry, she was ousted from her matrimonial house.

It has been submitted by the learned counsel for the



petitioner that he is innocent and earlier Divorce case bearing Matrimonial Case No. 09 of 2016 has been instituted by the petitioner against the informant and as such, the informant is living with her parents.

However, learned counsel for the informant submits that in the Matrimonial Case No. 09/2016 maintenance was directed to be paid by the Principal Judge, Family Court, Lakhisarai on 27.10.2015 at the rate of Rs. 1800/- per month and Rs. 100/- per day on the dates the informant would be present in the Court but the said order of learned Principle Judge, Family Court, Lakhisarai has not been complied with.

Learned counsel for the petitioner submits that after the order of the family Court he was arrested in the present case and since he is in custody, hence he was unable to pay the maintenance as directed by the Family Court but now he is ready to clear all the arrears if he is granted privilege of bail.

Learned A.P.P. for the State however, opposes the prayer for bail.

Considering the facts and circumstance of the case and materials on record , let the petitioner above named, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate- II, Lakhisarai in connection with Medinichowki P. S. Case No. 1 of 2017 subject to the condition that the petitioner will pay all the arrears to the informant and cost as directed by the Family Court, Lakhisarai within a period of one month of his release and further subject to conditions that the petitioner will appear before the Court of the learned Additional Chief Judicial Magistrate, IInd, Lakhisarai and on the satisfaction of payment of arrears by the learned Court below, the provisional bail of the petitioner will be confirmed.

It is however, made clear that if the petitioner threatens the informant in any manner whatsoever the prosecution is at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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