

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 44150 of 2016

Arising Out of PS.Case No. -187 Year- 2016 Thana -PATORI District- SAMASTIPUR

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Sumit Kumar Singh son of Arvind Kumar Singh resident of Village-
Khorampur, P.S.- Deshri (Chandpura O.P.) District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Pallavi wife of Sumit Kumar Singh, daughter of Sanjay Kumar Singh presently resides at Village Chaksalem, P.S. - Patori, District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Anil Kumar Singh, Advocate
For the S t a t e : Mr Pramod Kumar Pandey, Advocate

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CORAM: HON'BLE MR JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 04-04-2017 Heard learned counsel for the petitioner, informant
and Mr J N Thakur, for the State.

Petitioner, being the husband of the informant, is apprehending his arrest in Patori Police Station Case No 187 of 2016 registered for offences punishable under Sections 498A, 420 of Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant in 2014 and is ready to keep the informant with dignity and honour, statement to this effect has been made in paragraph 13 of the petition which reads as follows:



“That the petitioner is still ready to keep the informant as his wife with full dignity and honour.”

It is further submitted that the informant has declined to live with the petitioner on two grounds. She alleges that the petitioner has performed second marriage and she was apprehensive of life threats at the hands of the petitioner. It is submitted that the petitioner has not performed second marriage though statement to this effect has not been made in the petition nor any supplementary affidavit to that effect has been filed. Hence, it is submitted by the learned counsel for the informant that the informant is not ready to accept the offer of resuming the conjugal life in view of the fact that she has definite information that the petitioner has performed the second marriage with a girl, namely, Sneha.

However, the petitioner is ready to make payment of Rs 4000/- (Rupees Four 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. Counsel for the informant is ready to accept the offer of payment reluctantly and, hence, at present is not opposing the prayer for bail. 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 present stand of the parties, since the



issue is not likely to be resolved at present, in order to save the informant from destitution and vagrancy for the present, with a lurking hope that the issue may resolve in near 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, Samastipur in Patori Police Station Case No 187 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 complainant 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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