

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24437 of 2017

Arising Out of PS.Case No. -222 Year- 2016 Thana -MANJHI District- SARAN

Shambhu Kumar Son of Anil Prasad Chaurasia, Resident of Village- Kauru-Dhauru, P.S.- Manjhi, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bebi Devi, Wife of Shambhu Kumar, D/o Manak Lal Bhagat, Resident of Village- Taraiya, P.S.- Taraiyan, District- Saran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Sri Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 19-08-2017 Heard learned counsels for the petitioner,
informant-opposite party no. 2 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 323, 406, 379, 498A, 494 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case got initiated with filing of the Complaint Case No. 2343 of 2016 on 29.08.2016, which ultimately got registered as Manjhi P.S. Case No.222 of 2016 under Sections 323, 406, 379, 498A, 494 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act. The marriage



between the petitioner and the informant was performed on 28.06.2012, but thereafter, torture was inflicted upon the informant for non-fulfillment of further dowry demand. The petitioner has performed second marriage with one Madhuri Devi on 07.03.2016.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant, having no issue. However, the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is always ready to keep his wife with proper dignity and honour but in fact the complainant does not want to live along with the petitioner or she wants to take maintenance from the petitioner.

It is submitted by learned counsel for the informant that since the petitioner has performed second marriage, the informant is not ready for resumption of the conjugal life. The petitioner has not made any statement in the present Cr. Misc. application denying the accusation of second marriage.



However, counsel for the petitioner submits that the petitioner is ready to make payment of Rs.4,000/- per month from September, 2017 to the informant by depositing the same in her bank account by second week of every succeeding month.

Counsel for the informant submits that the informant 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 period of three weeks.

Considering the present stand of the parties, in order to save the informant from destitution and vagrancy, with a lurking hope that the issue may reconcile 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 twelve 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 learned Additional Chief Judicial Magistrate-V, Saran at Chapra in connection with Manjhi P.S. Case No. 222 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order 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.

(Dinesh Kumar Singh, J.)

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