

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57938 of 2015

Arising Out of PS.Case No. -88 Year- 2015 Thana -MANPUR District- NALANDA
(BIHARSHARIFF)

- =====
1. Nimia Devi W/o Shankar Chauhan,
 2. Shankar Chauhan, s/o Late Tilakdhari Chauhan, both are R/o Village - Bishunpur, P.S. Manpur, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sharda Devi, W/o Shankar Chauhan, R/o Village - Bishunpur, P.S. Manpur, District - Nalanda.

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. J. N. Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

13 27-02-017 Heard learned counsels for the petitioner, informant and the State.

Petitioner no.2 being the husband of the informant and petitioner no.1 being the second wife of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 494, 379, 504 and 506/34 of the Indian Penal Code.

Basic accusation is of torture and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of five



female children.

A joint compromise petition has been filed today stipulating therein that the petitioner has already made payment of Rs.2,00,000/- (Rupees Two lacs) to the informant for the marriage of the daughter and is paying Rs.3500/- per month towards maintenance in pursuance to the order dated 16.07.2003 passed in Maintenance Case No.72 of 2000 by learned Judicial Magistrate, 1st Class, Biharsharif, which has been brought on record as annexure-5 to the supplementary affidavit filed on 18.08.2016. The petitioner has, however, paid the maintenance amount till February, 2017 and further undertakes to pay the same from March, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month.

Though, the Miscellaneous Case No.8 of 2012 was initiated for payment of some amount for performing marriage of the daughter of the informant wherein it was directed to make payment of Rs.50000/- (Rupees fifty thousand) vide order dated 18.10.2014 passed by the learned Principal Judge, Family Court, Biharsharif. The same has been brought on record as annexure-3 to the application. Against the said order the petitioner preferred revision. The revision got dismissed, but both sides agree to file appropriate application in the said Miscellaneous Case No.8 of



2012. They further agree to file compromise petition in the present criminal case being Manpur P.S. Case No.88 of 2015, pending before the learned CJM, Nalanda at Biharsharif.

Mr. Anil Kumar Singh, learned counsel for the informant does not controvert the submissions made in the joint compromise petition as well as the submission of learned counsel for the petitioner. It is further submitted that in view of the present stand of the petitioner, the informant is not opposing the prayer for bail of the petitioner and further she undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, 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 CJM, Nalanda at Biharsharif, in connection with Manpur P.S. Case No.88 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant 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)

Ashwini/-

U		T	
---	--	---	--

