

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39669 of 2016**

Arising Out of PS.Case No. -194 Year- 2016 Thana -PATLIPUTRA District- PATNA

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Laxmi Nandan Abhay S/o Shyam Prasad Yadav, R/o- 6217-B IOCL  
Refinery Township, Paradeep Garh, District- Jagat Singpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Archana Sinha @ Archana Shahi, Adv.

For the Opposite Party : Mr. Sri Satyadev Prasad Singh Yadav, Adv.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      20-01-2017                      Heard learned counsels for the petitioner, complainant  
and the State.

The petitioner being the husband of the informant is  
apprehending arrest in a case registered for the offences  
punishable under Sections 313, 420, 494/34 and 498A of the  
Indian Penal Code.

The basic accusation is of torture for non-fulfillment of  
the dowry demands, getting the pregnancy terminated and  
performing second marriage.

The petitioner and the informant are present in the court.

It is submitted by the learned counsel for the petitioner  
that the petitioner admits his marriage with the informant in the  
year 2003 and birth of a male child. Subsequently the petitioner



filed Matrimonial Suit No. CP. No. 668 of 2012 with a prayer for divorce wherein decree of divorce has been passed vide judgment dated 22.11.2013 by learned Family Court, Cuttack and after expiry of period of limitation for preferring appeal against the said judgment, the petitioner has performed second marriage in the year 2015. It is further submitted that in pursuance to an order passed by Bihar State Women's Commission, the petitioner has transferred certain amount in the bank account of the informant. Moreover, the informant did not produce the child before the Women's Commission in pursuance to the order of the Women's Commission dated 03.03.2016.

Learned counsel for the informant submits that the petitioner used to torture the informant even then she had been loyal to him and decree of divorce was passed ex parte. The informant had no knowledge of ex parte decree as a result even after passing of the decree in the matrimonial suit the petitioner co-habited with the informant. The informant filed the present criminal case when the torture increased even after passing of the order by the Women's Commission.

It is submitted on behalf of the petitioner that in alternative the petitioner is ready to pay ₹15,000/- per month to the complainant from February, 2017 by depositing the same in



the bank account of the informant by second week of every succeeding month.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and also undertakes to submit her bank account number to the petitioner within a period of three weeks by filing the same on affidavit before the learned court below. The complainant further undertakes to allow the petitioner to meet the minor child once in a month specifically when the matter is fixed before the learned court below.

Considering the stand of the parties and fact that the marriage has already been dissolved by a judgment passed by a competent authority, in order to save the complainant from destitution and vagrancy with lurking hope that the issue may be reconciled in future, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Patliputra P.S. Case No. 194 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.



The above payment will be subject to any order being passed in matrimonial, maintenance or any other connected proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The present order in no way will preclude the parties to settle the issue otherwise.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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