

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 33539 of 2016

Arising Out of PS.Case No. -2036 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Subhash Chandra Raman son of Arjun Ram, R/o village- Jibachhpur Bihta
Tola, Banmankhi, PS – Banmankhi, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Nishi Devi daughter of Mahendra Ram, wife of Subhash Chandra Raman,
R/o Dobha Nagara Basa, P.S.- Rupauli, District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr Bidhu Ranjan, Advocate

For the S t a t e : Mr Nawal Kishore Prasad, APP

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CORAM: HON'BLE MR JUSTICE DINESH KUMAR SINGH

ORAL ORDER

8 04-04-2017 Heard learned counsel for the petitioner,
complainant and Mr Nawal Kishore Prasad, for the State.

Petitioner, being the husband of the complainant, is
apprehending his arrest in CA No 2036 of 2015 wherein process
has been directed to be issued after taking cognizance for offences
under Sections 498A and 494 of Indian Penal Code.

Basic accusation is of torture for non-fulfillment of
dowry demand and performing second marriage.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and birth of
three children. The complainant had earlier filed Complaint Case



No 60 of 2013 which ultimately ended into compromise. Though the petitioner is ready to keep the complainant but the complainant is not ready to live with the petitioner since he has performed second marriage.

However, the petitioner is ready to make payment of Rs 4,500/- (Rupees Four Thousand & Five Hundred) from May, 2017 to the complainant for the welfare of the complainant and the children by depositing the same in the bank account of the complainant by 02nd week of every succeeding month.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of payment reluctantly and, hence, at present is not opposing the prayer for bail of the petitioner. The complainant undertakes to submit her bank account number on affidavit before the learned Court below within a period of three weeks from today. The parties are also ready to file an appropriate application for compromise in all the cases lodged by either side before the learned Court below.

Considering the present stand of the parties, since the issue is not likely to be resolved at present, in order to save the complainant and children from destitution and vagrancy for the present, with a lurking hope that the issue may resolve 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 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, Purnea in CA No 2036 of 2015 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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