

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38393 of 2017

Arising Out of PS. Case No.-71 Year-2017 Thana- RANIYATALAB District- Patna

Raj Kumar Pandit, Son of Nagvanshi Pandit, Resident of Village- Chhoti
Pahpura, P.S. Rani Talab, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. SMT. GULNAR BEGAM

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-12-2017 Heard learned counsel for the parties.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under sections 341,323,504,494 and 498A/34 of the IPC.

The prosecution case as per the written report of the informant/O.P. No. 2 is to the effect that the informant was married to the petitioner in 2010 but on 3.5.2017 at 3 P.M. (though it is mention in the certified copy of the FIR as 3.5.2007 but both sides agree that it is 3.5.2017) the informant was assaulted by the petitioner, his parents, brother and second wife and after snatching all her belongings including the cooking utensils, she was driven out of the matrimonial



house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. The petitioner has performed second marriage on the persuasion of the informant/O.P. No. 2 and both the children are residing with the petitioner.

A supplementary affidavit with joint signature of petitioner and the informant/ O.P. No. 2 has been filed to the effect that both have decided to live separately and on payment of Rupees One Lac as one time settlement amount to the informant by the petitioner, both the daughters will live in the guardianship of the petitioner who will take proper care of the daughters. On the said basis, both sides agree that the O.P. No. 2 will file appropriate application before the learned court below.

Learned counsel for the informant submits that the informant agrees for resolving the issue in terms of payment of one time settlement amount of Rupees One Lac, but since the informant is not holding any bank account at present, hence, in the present circumstance, the informant is not opposing the prayer of the petitioner for grant of anticipatory bail.



Learned counsel for the petitioner, however, submits that the date of payment has not been mentioned since the informant is not having any bank account, but as soon as the bank account is opened, she will submit the same on affidavit before the learned court below preferably within a period of four weeks.

It is expected from the informant to submit her bank account number on affidavit before the learned court below within the aforesaid period, upon which and the petitioner will deposit the amount in her bank account within one week of submission of bank account number by the informant before the learned court below.

Considering the present stand of the parties, in order to save the informant and her children from destitution and vagrancy, with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Danapur in connection with Rani Talab P.S. Case No.71 of 2017.

Either party may file appropriate application in case of



breach of undertaking as incorporated in the joint
supplementary affidavit filed before this Court.

(Dinesh Kumar Singh, J)

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