

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24115 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -GARKHA District- SARAN

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Md. Amin Son of Late Tarwar Rai. Resident of Village- Mukimpur, P.S.-
Garkha, District- Saran at Chapra (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sawra Begum Wife of Amin Daughter of Shahjid Mian Resident of
Village- Mukimpur, P.S.- Garkha, District- Saran at Present Residing at
Village- Maricha, P.S.- Garkha, District- Saran.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. M.Haque, APP

For the Informant : Mr. Ranvijya Singh, Advocate

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

ORAL ORDER

10/ 17-03-2017 Heard learned counsels for the petitioner, State
and the informant-opposite party no. 2.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 323, 498A, 494, 307,
379/34 of the Indian Penal Code and 3/4 of Dowry Prohibition
Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand. It is also alleged that the
petitioner performed second marriage with another lady.

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the informant and birth of a child. The petitioner has filed Matrimonial Suit No. 199 of 2015 with a prayer for divorce. It is further submitted that the informant is residing with some other person. However, the petitioner is ready to make payment of Rs.3,000/- per month from April, 2017 to the informant by depositing the same in her account by second week of every succeeding month.

Mr. Sudhir Singh, learned counsel for the informant-opposite party no. 2 submits that the informant is ready to accept the offer of monthly payment and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks. In the circumstance, the learned counsel for the informant is not opposing the prayer for anticipatory bail of the petitioner.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, Saran at Chapra in connection with



Garkha P.S. Case No. 11 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 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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