

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28484 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -HISUA District- NAWADA

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Anuj Kumar alias Anoj Kumar, Son of Mundrika Prasad, Resident of
Village- Tilaya Bigha, P.S.- Hisua, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari daughter of Dinesh Prasad, resident of village –
Sarkanda, P.S. Gobindpur, District – Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Singh

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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

05/ 28-02-2017

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 341, 323, 498A, 494, 504/34 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 and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner being Indian Navy personnel



admits his marriage with the informant having no issue but he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 9 of the petition, which reads as follows:-

“That the petitioner wants to keep the victim with due respect for which he is always ready.”

It is further submitted that the petitioner has not performed second marriage. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:-

“That it appears from the F.I.R. that the petitioner solemnized marriage with Sneha Kumari, even she is not made accused which shows that the instant story is out and out incorrect.”

From the impugned order it appears that the matter was referred to the mediation but the petitioner refused to resolve the issue.

Learned counsel for the informant submits that since the petitioner has performed second marriage hence, the informant is not ready to resume the conjugal life. However, the informant is ready for receiving one time settlement amount of Rs.Twenty lakhs but it is submitted on behalf of the petitioner that the petitioner is not able to make payment of such one time settlement amount.



However, the petitioner is ready to make payment of Rs.10,000/- per month from March, 2017 to the informant by depositing the same in her account by second week of every succeeding month.

Learned counsel for the informant submits that the informant, reluctantly, is ready to accept the present offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks and in the circumstances, she is not opposing the prayer for anticipatory bail of the petitioner.

Considering the stand of the parties, in order to save the informant from destitution and vagrancy, with a lurking hope that the issue may reconcile 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 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, Nawada in connection with Hisua P.S. Case No. 35 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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