

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27749 of 2017

Arising Out of PS.Case No. -142 Year- 2016 Thana -RAHIKA District- MADHUBANI

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Pradeep Paswan, son of Radhey Paswan, Resident of Village- Lohar
Chakka, P.S.- Keoti, District- Darbhanga. Petitioner.

Versus

1. The State of Bihar.
 2. Sangeeta Devi, wife of Pradeep Paswan, Resident of Village- Dumari,
P.S.- Rahika, District- Madhubani. Opposite Parties
- =====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 28-08-2017 The matter was adjourned vide order dated
19.08.2017 on the joint prayer of the counsel for the petitioner
and opposite party no. 2 for today to enable the petitioner and
opposite party no. 2 to appear but none have appeared Hence,
the matter is being heard on merit.

Heard learned counsels for the petitioner,
opposite party no. 2 and the State.

The petitioner, being the husband of the
informant, is apprehending his arrest in a case registered for the
offences punishable under Sections 323, 341, 379, 498A, 494 of
the Indian Penal Code and Sections 3/4 of Dowry Prohibition
Act.

The prosecution case got initiated with
submission of a written report by opposite party no. 2 before
Officer-in-charge of Rahika P.S, which got registered as Rahika



P.S. Case No. 142 of 2016. The written report reflects the accusation to the effect that the marriage between the petitioner and opposite party no. 2 was performed four years prior to the lodging of the FIR. The accused started inflicting torture for non-fulfillment of further dowry demand of one lakh cash and a motorcycle. Ultimately on 20.10.2016 the informant-opposite party no. 2 was assaulted and after snatching her belongings including jewellery she was driven out of the matrimonial house. Subsequently, the petitioner performed second marriage. There is nothing on record to suggest that the investigation has concluded as yet.

Counsel for the petitioner submits that the petitioner admits his marriage with the informant-opposite party no. 2 and birth of a female child. The petitioner is still ready to keep the informant-opposite party no. 2 as wife with full dignity and honour. However, no statement has been made in the petition denying the second marriage by the petitioner.

Counsel for the informant-opposite party no. 2 submits that the informant is suffering from cancer hence she has not able to come to this Court. The petitioner has performed second marriage and he is blessed with a child also from the second marriage. However, informant-opposite party no. 2, at



present, is only willing for payment of some monthly amount for getting herself properly treated.

It is submitted by learned counsel for the informant that the informant has filed application for maintenance but the petitioner is not appearing.

Counsel for the petitioner submits that the petitioner has not received any notice in the maintenance proceeding, however, undertakes to appear henceforth in the maintenance proceeding.

Counsel for the petitioner submits that though the petitioner is a labour but he is ready to make payment of Rs.2,500/- per month from October, 2017 to the informant by depositing the same in her bank account by second week of every succeeding month.

Counsel for the informant accepts the offer and submits that the informant will submit her bank account number on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties, in order to save the informant, for the present, 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 A.C.J.M. Ist Madhubani in connection with Rahika P.S. Case No. 142 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 any other 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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