

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38370 of 2017

Arising Out of PS.Case No. -334 Year- 2016 Thana -CHAPRA MUFFASIL District- SARAN

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Sunil Kumar @ Sunil Kumar Rai S/o Lalan Rai resident of village -
Awadhpura, P.S. Chapra Muffasil, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Milan Devi W/o Sunil Kumar @ Sunil Kumar Rai, D/o Birbal Raut
resident of village Maniarpur, P.S. Waris Nagar, District - Samastipur.
3. Shashi Bhushan, Son of Birbal Raut, Resident of Village Maniarpur,
P.S. Warisnagar, District – Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Kumar Tiwary

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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

ORAL ORDER

08/ 09-03-2018

Heard learned counsels for the petitioner, the State
and informant.

The petitioner being the husband of the sister of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 341, 323, 498A and 364/34
of the Indian Penal Code.

The prosecution case as per the written report of
Shashi Bhushan dated 20.09.2016 submitted to the Station
House Officer of Chapra Muffasil P.S. is to the effect that the
sister of the informant was married with the petitioner on
10.07.2016 but after the marriage she was being assaulted for



non-supply of a car as dowry. On 18.09.2016 the petitioner and other in-laws family members driven her out from the matrimonial house and since then she is traceless. Though, subsequently Milan Devi, the sister of the informant, recovered and her 164 Cr.P.C. statement was recorded on 19.01.2017 where she stated that since she was subjected to assault she catch train without any knowledge where the train was going and thereafter she informed her maternal uncle.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the sister of the informant. His wife Milan Devi has illicit relationship with one Anurag Tiwari as a result she deserted the house of the petitioner. The petitioner is still ready to keep the informant with full dignity and honour or in alternative he is ready to pay Rs.2,000/- per month from April, 2018 to the informant by depositing the same in her bank account by second week of every month since he is earning his livelihood by tutoring the students. The petitioner has not performed second marriage.

Learned counsel for the informant submits that the sister of the informant is not inclined to resume the conjugal life as she is in a pragmatic condition due to the past conduct of the petitioner. However, she is reluctantly ready to accept the offer



of monthly payment with a lurking hope that the issue may resolve in future.

Considering the rival submissions of the parties, there is no likelihood of resolution of the issue between the parties at present and in view of 164r Cr.P.c. statement of the victim, prima facie the case under Section 364 of the Indian Penal Code is not made, the present stand of the petitioner will at least save the sister of 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 bonds 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 Chapra Muffasil P.S. Case No. 334 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 being passed in matrimonial, maintenance or any other collateral proceedings.

Three consecutive defaults in making payment will give liberty to the sister of 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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