

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5713 of 2019**

Arising Out of PS. Case No.-217 Year-2018 Thana- BARURAJ District- Muzaffarpur

Manoj Pandit @ Manoj Kumar, Son of Suman Pandit @ Ram Darshan Pandit,
Resident of Village- Bilaspur, Police Station- Bhagwanpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kamla Kumari, W/O Manoj Pandit @ Manoj Kumar, D/o Ramji Pandit At present R/o Village- Sasna, P.S.- Baruraj, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Md. Aslam Ansari

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

5 10-04-2019 Heard learned counsel for the petitioner, learned counsel for the informant-opposite party no.2 and learned APP for the State.

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 323/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case as per the written report of Kamla Kumari, informant-opposite party no. 2 submitted to Station House Officer of Baruraj Police Station is to the effect that the informant was married with the petitioner on 05.07.2013, but subsequent to the marriage, further dowry



demand of a motorcycle was made and for non-fulfillment of the same, torture was inflicted upon the informant. On 06.08.2014 the informant blessed with a male child.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a male child. The child is still with the informant-opposite party no. 2. Initial stand of the petitioner was that he is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That petitioner is ready to keep the informant/opposite party no. 2 with full dignity and honour.”

Considering the stand of the petitioner, notices were issued to the informant-opposite party no. 2 vide order dated 04.02.2019.

However, it is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 186 of 2018 with a prayer for dissolution of marriage on 16.08.2018 and the same is pending before learned Principal Judge, Family Court, Siwan and hence, now the petitioner is not ready to resolve the issue in terms of resumption of conjugal life.



Learned counsel for the informant submits that the informant is still ready to resolve the issue in terms of resumption of conjugal life and she and her minor child are facing destitution and vagrancy.

Learned counsel for the petitioner submits that, in alternative, the petitioner is ready to make payment of Rs.2,000/- per month to the informant from May, 2019 by depositing the same in the bank account of the informant by second week of every succeeding month.

Learned counsel for the informant submits that the informant is reluctantly ready to accept the offer of the petitioner and undertakes to submit her bank account detail on affidavit before the learned Court below within a period of three weeks.

Considering the fact that the matrimonial suit was filed prior to lodging of the present FIR coupled with the present stand of the parties which, at present, will save the informant and minor child 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 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 Judicial Magistrate, Ist Class, Muzaffarpur in connection with Baruraj P.S. Case No. 217 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The above mentioned payment will be subject to any order being passed in matrimonial, maintenance or any collateral 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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