

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9562 of 2019

Arising Out of PS. Case No.-29 Year-2017 Thana- MAHILA P.S. District- Bhagalpur

JITENDRA KUMAR @ JITENDRA KUMAR SINGH Son of Ashok Singh
Resident of Village – Hario, P.S.-Bihpur, District, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandra Kumari, D/o- Suresh Pd. Singh, R/o-Vill-Bishanrampur, P.S.-
Kajraili, District-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Jha, Adv.
For the Informant	:	Mr. Ritesh Kr. Singh, Adv.
		Mr. Narendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 03-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498(A), 494, 341, 323, 504, 506 and 34 of the I.P.C. and Sections 3/4 of the Dowry Prohibition Act.

The basic accusation against the petitioner is of inflicting torture to the informant for non fulfillment of further dowry demand of Rs. 2 lacs and the petitioner has performed second marriage.

In pursuance to the order dated 18.02.2019, the petitioner and the informant are present in the Court.



It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children out of the wedlock. The petitioner further admits performance of second marriage, however, he is ready to keep informant as wife with full dignity and honour.

Learned counsel for the informant submits that since the petitioner has performed second marriage, she is not ready to reside with the petitioner.

However, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs. 3,500/- per months to the informant by depositing the same in her bank account by second week of every succeeding month.

Learned counsel for the informant, on instruction, submits that the informant is ready to accept the offer of the petitioner. She further undertakes to provide her bank account detail to the petitioner within a period of three weeks by submitting the same on affidavit before the learned Court below.

Considering the present stand of the parties which will save the informant and her children 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/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 like amount each to the satisfaction of learned SDJM, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 29 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The above mentioned payment will be subject to the result of matrimonial, maintenance and any other collateral proceeding.

If the petitioner defaults for three consecutive occasions in making payment of maintenance amount, the informant will be at liberty to file an application for cancellation of the bail of the petitioner.

It is made clear that the present order, in no way, will preclude the parties to resolve the issue in future.

(Dinesh Kumar Singh, J)

Amrendra/-

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