

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13335 of 2019

Arising Out of PS. Case No.-42 Year-2017 Thana- MAHILA PS District- Jamui

RAM SHANKAR, Son of Panchanand Sharma, Resident of Village -
Dayachak Barh, P.S.- Barh, Distt - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Priya Rai, Wife of Ram shankar, D/o Rajendra Kumar Pandey,
Resident of Village - Kalyanpur, P.S. and Distt - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner, being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323, 307, 427, 420 and 406/34 of the IPC and Section 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the FIR is to the effect that the informant was married with the petitioner on 09.06.2015, but subsequent to the marriage, further demand of dowry was made and due to non-fulfillment of the same, torture was inflicted upon the informant by the petitioner and other in-law family members. Ultimately, the informant was driven out from the



matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a child. It is further submitted that due to apathetic attitude of the informant, the petitioner preferred Matrimonial Suit No. 1049 of 2016 with a prayer for dissolution of marriage and thereafter the present FIR has been lodged. However, the petitioner does not deny this fact that vide order dated 16.12.2017, passed by learned Principal Judge, Family Court, Jamui, in Maintenance Case No. 78M of 2017, the petitioner has been directed to make payment of Rs. 5,000/- per month to the informant, Kumari Priya Raj and Rs. 1,000/- per month to her child from the date of filing of application for the maintenance, i.e., from 14.06.2017 by 10th day of every succeeding month. The arrear of maintenance amount was directed to be paid within four months in four equal installments. However, the son of the informant was held entitled to receive maintenance amount till he attains majority. However, it is further submitted that the order of maintenance is under challenge in M.A. No. 615 of 2018. In the circumstances, since the matrimonial suit was filed at earlier point of time, the petitioner is not ready to keep the informant.

However, learned counsel for the informant submits that



the informant is still ready to resume the conjugal right.

Considering the fact that the matrimonial suit was filed at earlier point of time, let the above named petitioner be released on anticipatory bail, subject to deposit of up-to-date maintenance amount as directed in the maintenance proceeding as stated above within a period of eight weeks, till the same is modified or quashed in any proceeding, 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, Jamui in connection with Jamui Mahila P.S. Case No. 42 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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