

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17243 of 2019

Arising Out of PS. Case No.-93 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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JAY NARAYAN KUMAR S/o Late Ram Pukar Singh R/Village- Kala Diara,
Near Kali Mandir, P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punni Kumari D/o Rajdeo Mahto R/Village- Nasariganj, P.S.- Danapur,
District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 27-08-2019 This application, for grant of anticipatory bail, arises

out of Complaint Case No. 93C of 2016, disclosing offences

under Sections 498A of the Indian Penal Code and Section 3 /4

of the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant

and allegation against the petitioner is of subjecting the

complainant to cruelty and torture with respect to non fulfilment

of demand of dowry and also ousted from the house and further

allegation is that petitioner has remarried with another lady.

It appears that on appearance of opposite party no. 2,

the matter was referred to Patna High Court Mediation and

Conciliation Center, Patna and the report of learned Mediator is



available on record, from which, it appears that the Mediation between the parties failed.

Submission of learned counsel for the petitioner is that he is still ready to keep the complainant – wife with full honour and dignity and as the complainant – wife was adamant on her demand of Rs. Six Lakhs, the mediation failed.

Whereas, the stand of complainant is that the petitioner has remarried with another lady and she does not want to live with the petitioner and so far demand of Rs. Six Lakhs in mediation is concerned, the petitioner has to spent his whole life and she is entitled for an amount, which may suffice her requirements.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, this application is disposed of with direction to the petitioner to surrender before the court below by 06.09.2019 and on condition that he is ready to pay Rs. 3,000/- per month to complainant towards her maintenance for a period of one year and in that period, the complainant if so desire may move the concerned family court for grant of maintenance from the petitioner and if any order either interim or final passed by the learned Family Court, if the petitioner undertakes that he will



abide by the same, the court below shall release him on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, -III, Danapur, Patna, in connection with Complaint Case No. 93C of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to pay the aforesaid amount of Rs. 3,000/- to the complainant consecutively for three months, the complainant will be at liberty to move the court below for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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