

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22456 of 2019

Arising Out of PS. Case No.-410 Year-2018 Thana- NAUTAN District- West Champaran

Bhimal Ram, Son of Lakhan Ram, Resident of Village - Siyarahiya Mathiya,
P.S.- Jagdishpur, Distt - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Runa Devi Wife of Bhimal Ram, D/o Prabhu Ram Resident of Village - Siyarahi Mathiya, P.S.- Jagdishpur, Distt - West Champaran. and at present R/o village - Madwaha, P.S.- Nautan, Distt - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-07-2019 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/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case is to the effect that the marriage of the informant was performed with the petitioner on 10.07.2016, but subsequent to the marriage, further demand of dowry of a motorcycle and a milking cow 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 by all the accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. The petitioner has filed Matrimonial Suit No. 299 of 2018 with a prayer for divorce on 01.06.2018 which is pending before learned Principal Judge, Family Court, West Champaran, Bettiah and thereafter, the present case has been registered on 04.08.2018. It is further submitted that the informant has illicit relationship with one Bittu Paswan and hence, the petitioner is not ready to keep the informant as wife.

Learned counsel for the informant submits that the petitioner has performed second marriage, as a result, she is not ready to resume the conjugal life.

Considering the rival submissions of the parties, keeping in view the allegation and counter allegation by both sides against each other, it does not appear that the issue can be resolved during mediation. However, petitioner is ready to make payment of Rs.1,500/- per month to the informant from August, 2019 by depositing the same in the bank account of the complainant 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 four weeks.

Considering the present stand of the parties which, at present, will save 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 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-Ist, West Champaran, Bettiah in connection with Nautan (Jagdishpur) P.S. Case No. 410 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 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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