

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76313 of 2018

Arising Out of PS. Case No.-229 Year-2018 Thana- SAUR BAZAR District- Saharsa

VIVEK RAM @ AMAN RAM @ AMAN KUMAR Son of Baijnath Ram,
Resident of Village- Kanp, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 15-04-2019 Heard learned counsels for the petitioner, informant
and 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 498A, 341,323,504 and 50/346 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case is that the marriage of the informant and the petitioner was solemnized on 5.7.2013 and subsequently, they were blessed with a male child but ultimately, after the marriage, there was dowry demand of Rupees Two Lacs and a motorcycle and due to non-fulfillment of the same, torture was inflicted upon the informant though there is accusation against the father-in-law of the informant to have attempted to establish physical relationship with her. It is further alleged that the petitioner has performed second



marriage, hence, the O.P. No. 2 is not ready to resume the conjugal life.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and also accepts that he has performed second marriage. In the circumstances, he is not inclined to keep the informant as wife.

However, learned counsel for the informant submits that the informant is still ready to resume the conjugal life despite the fact that the petitioner has performed second marriage.

Considering the stand of the petitioner, it appears that the issue is not likely to be reconciled. However, in alternative, learned counsel for the petitioner submits that the petitioner will make payment of Rs.1,700/- per month to the informant from June, 2019 by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the informant, on instructions, submits that the informant accepts the offer and is ready to submit her bank account detail within a period of three weeks from today by filing the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to



save the informant for the present from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Sour Bazar P.S. Case No. 229 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order 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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