

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34220 of 2019

Arising Out of PS. Case No.-513 Year-2018 Thana- SAKRA District- Muzaffarpur

Dharmendra Kumar, son of Bhola Mahto, resident of Village - Keshopur, P.S.-
Sakra, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-08-2019 This is an application for grant of anticipatory bail in connection with Sakra P.S. Case No. 513 of 2018, disclosing offences under Sections 341, 323, 498A, 494 and 34 of IPC.

Prosecution case is that informant was married with the petitioner and have a female child from that marriage. After some time of marriage, petitioner started demanding Rs.1,00,000/-, when she failed to fulfill the demand, she was subjected to cruelty and harassment and lastly ousted her from the house. Further allegation is that petitioner has solemnized second marriage with another lady on 16.11.2018 and on information when she went there, petitioner and others did not allow her to enter inside the house.

Submission of the learned counsel for the petitioner is that he is still ready to keep her with dignity and care. He admitted that he had married with another lady.



Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, they have opposed the prayer for anticipatory bail and has submitted that since the petitioner had married with another lady, it is not possible her to reside with him. Further submission is that she has not been paid even a single penny towards her maintenance and her child also. Petitioner is working in a private firm and getting salary of Rs.15000/- per month.

Having heard both sides, considering the above submissions, this application is disposed of with a direction to the petitioner to surrender before the learned court below by 13.08.2019 on condition that he is ready to pay Rs.4500/- per month to the opposite party no.2 for a period of one year. During that period, it is expected that opposite party no.2 shall file a maintenance case before the learned Family Court for grant of maintenance and petitioner shall also abide by any order either interim or final passed by the learned Family Court, the petitioner shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Muzaffarpur, in connection with Sakra P.S. Case No. 513 of 2018, subject to the condition laid down



under Section 438(2) of the Code of Criminal Procedure.

It is also made clear that failure to payment of maintenance continuously for three months, the opposite party no.2 shall be at liberty to move for cancellation of the bail bonds of the petitioner before the court below itself.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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