

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38172 of 2019

Arising Out of PS. Case No.-853 Year-2017 Thana- COMPLAINT CASE District- Banka

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SANJAY BIND Son of Mahadeo Bind Resident of Village - Mirzapur, P.S.-
Barahat, District - Banka

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Geeta Devi Wife of Sanjay Bind Resident of Village - Mirzapur, P.S.-
Barahat, District - Banka At present Address - Geeta Devi daughter of
Ganga Mandal, Resident of Village - Kashpur, P.O.- Mahadevpur, P.S.-
Amarpur, District - Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s :	Mr.Anil Kumar, APP
For O.P. No.2 :	Mr. Ajay Kumar Chakraborty, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 30-08-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Complaint Case No. 853 of 2017 instituted for

the offences punishable under Section 498A of the Indian Penal

Code and Section 4 of Dowry Prohibition Act.

Prosecution case is of demand of Rs.5 lac by the

petitioner from the complainant and for non-fulfilment of the

same she was subjected to cruelty and ousted from the house.

Submission of learned counsel for the petitioner is

that he is still ready to keep opposite party No.2 with him with

dignity and care, whereas learned counsel for opposite party

No.2 has submitted that she has been subjected to severe assault



and furthermore petitioner has solemnized second marriage with another lady and he has children also, as such it is difficult for her to reside with the petitioner.

Heard learned APP also.

In view of above facts and circumstances and also considering the fact that case relates to marital relationship between the parties, the provisional bail granted to the petitioner by order dated 26.6.2019 is confirmed with condition that petitioner has to pay Rs.5000/- per month to opposite party No.2 for a period of one year and during that period it is expected that opposite party No.2 shall move the Family Court, Banka for grant of maintenance in which petitioner shall co-operate and abide by any order passed by learned Family Court either interim or final unless the same is modified or set aside by any higher court.

With the above observation, this application is allowed.

(Vinod Kumar Sinha, J)

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