

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39972 of 2019

Arising Out of P.S. Case No.-20 Year-2019 Thana- MAHILA PS District- Darbhanga

KUMAR BIBHAS SINGH, Male, aged about 46 years, Son of Late Bheem Narayan Singh Resident of Mohalla - Naya Gangasagar behind Sarvodaya High School, Dunar Chowk, P.O.- Lalbagh, P.S.- Laheriasarai, District - Darbhanga, at present posted as Income Tax Officer, Mumbai M.K. Road, Room No. 545, 5th floor, Aayakar Bhawan, P.S.- Church Gate, Mumbai Pin Code - 400020

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Arunam Kumari, Female, age-36 years Wife of Kumar Bibhas Singh Daughter of Shri Ratnesh Kumar, Resident of Mohalla - Gayatri Nagar, Najirpur, Jiyalal Rai Chowk, P.S.- Ahiyapur, District - Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Sada Nand Roy, Advocate
For the Opposite Parties : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-09-2019 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 307, 504 and 498A/34 of the Indian Penal Code.

As per FIR, there is allegation of torture against the informant/victim for non-fulfilment of demand of dowry.

It is submitted on behalf of the petitioner that Opposite Party No.2 is herself a lady of cruel behaviour and she



is not interested in continuing the matrimonial obligation with him for which she has already filed Matrimonial (Divorce) Case No.84 of 2019 in the Court of Family Judge, Darbhanga. It is further submitted that the petitioner is working in Income Tax Department and the present posting at Mumbai whereas Opposite Party No.2 is posted as Panchayat Teacher.

In view of the aforesaid fact that a divorce case is pending between the parties and the petitioner is ready to make payment of Rs.5,000/- per month from September, 2019 to the Opposite Party No.2 and depositing the same in her account by second week of every succeeding month, subject to any order passed in Matrimonial (Divorce) Case No.84 of 2019, maintenance or connected proceedings. Counsel for the Opposite Party No.2 is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of two weeks from today.

Considering the present stand of the parties, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Darbhanga/successor Court in connection with Mahila (Town) P.S.Case No.20 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the petitioner.

The aforesaid payment will be subject to any order passed in matrimonial, maintenance or connected proceeding. Two consecutive defaults in making payment will give liberty to the informant to file application to cancel the bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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