

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48344 of 2018

Arising Out of PS. Case No.-798 Year-2017 Thana- DANAPUR District- Patna

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Pankaj Kumar @ Pankaj Kumar Singh son of Sri Nirmal Kumar Singh,
resident of Road No. 9, Chitrakut Nagar, Danapur, P.S. Danapur, District
Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Annupriya Kumari

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha
For the Opposite Party/s : Mr.Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 19-02-2019 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 Section 498A, 341,323 and 308/34 of the IPC
and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the written report of
Annupriya Kumari, submitted to the SHO, Danapur Police
Station is to the effect that she was married with the petitioner
on 5.12.2017 but after some time torture was inflicted upon her
for non-fulfillment of further dowry demand. The informant was
being assaulted by all the accused persons.

It is submitted by learned counsel for the petitioner



that no injury report was produced at the time of hearing of the bail application before the learned court below. It is further submitted that the informant eloped with one Aman Kumar and when she returned, she gave undertaking to the effect that she will live with the petitioner.

From the impugned order, it appears that the informant appeared before the learned court below and admitted that aforesaid Aman Kumar is the brother of her friend whereas in the counter affidavit a statement has been made in para 10(ii) to the effect that she was not known to said Aman Kumar. However, the petitioner is ready to resume the conjugal life.

It is submitted by learned counsel for the informant that the informant was being assaulted and consequently, she received injury on her eyebrow, hence considering the past conduct of the petitioner she is not ready to resume the conjugal life. However, the petitioner, in alternative, is ready to make payment of Rs.1500/- per month to the informant from March,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 reluctantly accepts the offer and is ready to submit her bank account number 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 ACJM, Danapur in connection with Danapur P.S. Case No. 798 of 2017 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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