

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61155 of 2018**

Arising Out of PS. Case No.-106 Year-2017 Thana- BATHNAHA District- Sitamarhi

=====

Raja Das, Son of Ganeshi Das, R/o Bathnaha, Chaudhary Tola, P.S.-Bathnaha,
District-Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Mukeshwar Dayal

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 15-04-2019 Heard learned Counsels for the petitioner, informant
and the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Section 498(A)/34 of the Indian Penal Code.

The prosecution case as per the written report of Babita Das submitted to the SHO, Bathnaha P.S. is that the informant was married with the petitioner, Raja Das one year prior to lodging of the present case, subsequently, they were blessed with one child. Subsequently, further dowry demand of Rs.1,00,000/- for the purpose of business was made and due to



non-fulfillment of the same, torture was inflicted upon the informant and ultimately, fifteen days prior to lodging of the present case, the informant was driven out from the matrimonial house by the petitioner and other in-law family members.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant on 04.05.2016 but after the marriage, the petitioner came to know that the informant was carrying pregnancy of 5-6 months and subsequently, gave birth to a child. It is further submitted that petitioner was cheated by the informant's side by concealing the pregnancy of the informant.

Learned counsel for the informant submits that since the informant had love affair with the petitioner, hence, she was carrying pregnancy by virtue of her physical relationship with the petitioner. It is further submitted that the petitioner has performed second marriage, hence, she is not ready to resume the conjugal life with the petitioner. However, the informant wishes to get the issue resolved on the terms of payment of one time settlement amount.

Learned counsel for the petitioner further submits that in alternative, the petitioner is ready to make payment of Rs.2,000/- per month to the informant from May, 2019 by



depositing the same in her bank account by second week of every succeeding month.

Learned counsel for the informant further submits that the informant accepts the offer of the petitioner and she undertakes 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 and her child for the present from destitution and vagrancy with a lurking hope that the issue may reconcile in the future, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **C.J.M., Sitamarhi** in connection with **Bathnaha P.S. Case No.106 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or any collateral proceedings.

Three consecutive defaults in making payment will



give liberty to the complainant 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)

Deepak/-

U		T	
---	--	---	--

