

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45648 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- FALKA District- Katihar

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DILKASH KHAN Son of Khairuddin Khan Resident of Village-Morsanda,
P.S-Falka, District-Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jinat Khatoon D/o Salim Khan W/o Dilkash Khan At present resident of
village-Barichater, P.S-Falka, District-Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-07-2019 This application, for grant of anticipatory bail, arises

out of Falka P.S. Case No. 5 of 2019, disclosing offences under

Sections 341, 323, 484, 504 and 498(A)/34 of the Indian Penal

Code.

Petitioner happens to be husband of the informant and

allegation against him is of demand of dowry and subjecting the

informant to torture and cruelty with respect to the demand. It

has also been alleged that the petitioner remarried with another

lady and, thereafter, started torturing her and ultimately ousted

her from the house.

Submission of learned counsel for the petitioner is

that he is still ready to keep the informant with full honour and



dignity and the entire allegation is false and concocted. However, on query as to whether, he is paying maintenance to informant, he could not give any positive reply.

Learned counsel for the State opposed the prayer for bail and submitted that the petitioner has remarried with another lady and also subjected the informant to torture and cruelty.

Having heard both sides, considering the submission, as above, this application is disposed of with direction to the petitioner to surrender before the court below on 06.08.2019, he on condition that he will pay Rs. 2500/- per month to informant towards her maintenance till any order of maintenance is passed by the Family Court, shall be released on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Falka P.S. Case No. 5 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear if petitioner fails to pay the above amount to the informant for four consecutive months' the informant will be at liberty to move the court below for cancellation of bail bonds of the petitioner.

It is also made clear that if the petitioner brings the



informant back and keeps her with himself with full honour and dignity, the aforesaid condition of payment of Rs. 2500/- will not apply.

(Vinod Kumar Sinha, J)

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