

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51534 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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UPENDRA SHARMA Son of Ram Sewak Sharma Resident of Village -
Gopibigha, P.S.- Magadh Medical, District - Gaya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rubi Devi Daughter of Naresh Mistri (Wife of Upendra Sharma), Resident
of Village - Pindari, P.S.- Fatehpur, District - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramashish

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-11-2019 This application, for grant of anticipatory bail, arises out
of Magadh Medical No. P.S. Case No. 113 of 2019, disclosing
offences under Sections 498A, 341, 323, 504, 312/34 of the
Indian Penal Code.

Petitioner happens to be husband of the informant and
allegation against the petitioner is of subjecting the informant to
cruelty and torture with respect to non fulfilment of demand of
dowry and further allegation is that petitioner solemnized
second marriage with another lady.

Submission of learned counsel for the petitioner is
that all the allegations are false and concocted and he has
mentioned on oath in the petition that he has not solemnized



second marriage. He is still ready to keep the informant – wife with full honour and dignity and it is the informant, who does not want to live with the petitioner rather she is interested only in the property of the petitioner, for which, she has filed this present case.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant has submitted that as the petitioner has solemnized second marriage, she is not ready to live with the petitioner.

Having heard both sides, in view of the above facts, this application is disposed of with direction to the petitioner to surrender before the court below within a period of six weeks from the date of receipt of a copy of this order and on condition that he is ready to pay Rs. 2500/- per month to informant towards her maintenance for a period of one year and in that period, the informant is expected to move the concerned family court for grant of maintenance from the petitioner and if any order either interim or final passed by the learned Family Court, if the petitioner undertakes that he will abide by the same, the court below shall release him on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate -IV Gaya, in connection with Magadh Medical No. P.S. Case No. 113 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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