

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55539 of 2019

Arising Out of PS. Case No.-210 Year-2019 Thana- BUXAR District- Buxar

NAVEEN KUMAR SINGH @ PRINCE Son of Bijendra Kumar Singh
Resident of Village - Saraswari Pustakalaya, P.P. Road, Buxar, P.S.- Buxar
(T), Dist.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Singh Wife of Naveen Kumar Singh @ Prince and D/o Baban Singh
Resident of Village - Chhajoli, P.S.- Garwar, Dist.- Ballia (U.P.)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mrs. Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 04-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 494, 498A, 323, 504 and 506/34 of the Indian Penal Code.

Initially, the prosecution case got initiated with filing of Complaint Case No. 1077 C of 2017, which came to be registered as police case, being Buxar P.S Case No.210 of 2019, after its being transferred under Section 156(3) of the Code of Criminal Procedure.



The prosecution case as per the complaint petition is to the effect that the complainant was married with the petitioner on 08.12.2004, subsequently, they were blessed with a female child and thereafter, the torture was inflicted on account of giving birth to a female child and non-fulfillment of further dowry demand of Rupees Twenty Five Lac. It is further alleged that the petitioner has performed second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The petitioner had filed Matrimonial Suit No. 124 of 2016 with a prayer for divorce on 09.06.2016 before the learned Principal Judge, Family Court, Buxar and thereafter the complaint has been filed by the complainant on 16.01.2017 which came to be registered as police case on 12.03.2019. In the matrimonial suit, the petitioner declined to keep the informant as wife and suggested to make some payment to the informant, the Court vide order dated 13.07.2017, directed him to make payment of Rs.10,000/- as maintenance amount per month and the petitioner is still ready to comply the said undertaking as recorded in the order dated 13.07.2017.

It is submitted by learned counsel for the informant that the informant is still ready to reside with the petitioner. However,



the petitioner has failed to make payment of maintenance amount undertaken by him before the learned Court below.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit her bank account detail on affidavit before the learned court below within a period of two weeks.

Considering the fact that the matrimonial suit has been filed at earlier point of time and the petitioner is ready to make payment of maintenance amount as incorporated in the order dated 13.07.2017 passed in matrimonial suit, 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 CJM, Buxar, in connection with Buxar (T) P.S. Case No.210 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will accept the bail bonds of the petitioner on production of substantial proof with regard to deposit of 50% of the due monthly amount undertaken by him in the matrimonial suit. The petitioner will deposit the rest amount within further period of six weeks.



The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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