

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33256 of 2021

Arising Out of PS. Case No.-10 Year-2019 Thana- MAHILA PS District- Khagaria

Pawan Kumar @ Abhishek Kumar Son of Sikendra Sah Resident of Village-
Marat Uttari, P.S.- Morkahi, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Rai, Advocate
For the Informant	:	Mr. Radhe Shyam, Advocate
For the Opposite Party/s	:	Mr. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Khagaria
(Mahila) P.S. Case No. 10 of 2019 dated 11.02.2019 instituted
for the offences under Sections 498A and 494 of the Indian
Penal Code read with Sections 3 and 4 of the Dowry Prohibition
Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 25.01.2021, charge-sheet has been
submitted in the case and has antecedent of two cases as
mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that
Morkahi P.S. Case No. 149 of 2019 was instituted by this



informant against the petitioner under Section 498A in which he was granted bail by this Court and thereafter again the present case came to be instituted against him.

Learned counsel for the petitioner submits that the petitioner is unemployed and the informant is working. Learned counsel further submits that informant in the present F.I.R. alleges that she was married to the petitioner on 12.05.2014 and after marriage, a son was born but the accused petitioners were demanding bullet motorcycle and for non-fulfillment of the same, the informant was assaulted and ousted her from her matrimonial home and further the petitioner has married another women at Madhepura. Learned counsel submits that from the impugned order it would manifest that petitioner has accepted that he has married Rani Kumari.

Learned counsel for the informant rebuts the submission of learned counsel for the petitioner and submits that informant is unemployed and is facing immense hardship in maintaining herself and child, it is further submitted that petitioner has married Rani Kumari. Learned counsel further submits that he will not oppose the bail application provided the petitioner is ready to maintain the informant and the child on which the learned counsel for the petitioner submits, on



instruction, that he is ready and willing to support the informant and his son who is staying with her and for which the learned counsel for the petitioner agrees to pay a sum of Rs. 2,500/- by way of maintenance till the matter is not settled.

Learned A.P.P. for the State submits that since the petitioner has agreed to support the informant and his son as such he is not opposing the bail application for the present.

Learned counsel for the informant submits that since the petitioner has agreed to pay an amount of Rs. 2,500/- towards maintenance till the issues is not amicably settled, the petitioner be directed to deposit the said amount in the bank account of the informant and the informant will furnish the bank account number to the petitioner.

Considering the fact that the petitioner is in custody since 25.01.2021, charge-sheet has been submitted in the case and has agreed to pay an amount of Rs. 2,500/- towards maintenance of the child and the informant till the issue is not amicably settled either through mediation or through process of Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Khagaria in connection with Khagaria



(Mahila) P.S. Case No. 10 of 2019. Further, the petitioner will start paying the maintenance amount from 01.02.2022 and in the event, the informant files an application before the learned court below demonstrating that the petitioner has not paid the maintenance amount in any of the month commencing from February, 2022 in her account, the court below will forthwith cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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