

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39953 of 2021

Arising Out of PS. Case No.-10 Year-2019 Thana- FATEHPUR District- Kishanganj

LALIT KUMAR SINGH S/o Ramlal Lal Singh R/o village- Bairiya, P.S.-
Fatehpur, District- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukmini Kumari W/o Lalit Kumar Singh, D/o Nirmal Kumar Mandal R/o
village - Bairiya, P.S.- Fatehpur, District - Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

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.

Let the defect(s), if any, be removed within a period of
four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Fatehpur P.S. Case No. 10 of 2019 instituted for the offences under
Sections 323, 379 and 498(A) 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 15.04.2021, is a person with clean
antecedent and charge-sheet has been submitted in this case.

The informant in the FIR alleges that she was married
with the petitioner on 11.06.2018 but soon thereafter the accused
persons started to misbehave. Further on 30.04.2019, the accused



persons assaulted and ousted her and told her that she would be permitted in the house only if she gets Rs.5,00,000/- in cash and a motorcycle from the parents' place and also took away her silver ornaments from the neck.

Learned counsel for the petitioner submits that admittedly the wife is informant and is not willing to stay with the petitioner for the reason that petitioner works outside the State and she does not want to carry the responsibility of her in-laws, but at the same time, learned counsel for the petitioner on instruction submits that the petitioner is willing to keep the informant with full honour and dignity if she intends to come back and in the event, if the informant is not willing to come back, he is ready to pay maintenance of Rs.2,000/- (two thousand) till the matter is not amicably settled either through mediation of well wishers or through the process of the Court.

Learned A.P.P. submits that since petitioner on instruction is willing to maintain his wife and in the event if she does not intend to come back, the bail for the present is not being opposed. Learned A.P.P. further submits that since the order is being passed in absence of the informant, as such, it should be made clear that the maintenance amount of Rs.2,000/- (two thousand) would be paid to the informant, in the event if she is not willing to stay with the petitioner from 01.02.2022, in her bank



account and in the event if the informant is not having a bank account she will open the same and furnish the bank account number to the petitioner.

Considering the fact that the petitioner is in custody since 15.04.2021, charge-sheet has been submitted in this case and petitioner is a person with clean antecedent and has agreed to pay maintenance of Rs.2,000/- (two thousand) w.e.f. 01.02.2022 to the informant in the event if she does not intend to come back with the petitioner 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 Additional Chief Judicial Magistrate-III, Kishanganj in connection with Fatehpur P.S. Case No. 10 of 2019.

In the event, the informant files an application before the learned court below stating that the petitioner for two consecutive months has not paid the monthly maintenance in the bank account furnished by her continuously, the learned court below shall forthwith cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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