

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7162 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- SANDESH District- Bhojpur

Nitish Kumar Son Of Dharmmlal Yadav Resident Of Village- Dehari P.S-
Sandesh Distt- Bhjpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nirasa Devi D/O Satynarayan Yadav Resident Of Village- Chihuta P.S- Rani
Talab Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s :	Mr. Sudish Kumar
	Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 25-02-2022 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494, 323, 341, 34 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of dowry demand and solemnizing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner tried his best to resume the conjugal life with the informant for the last three years but



when the informant did not agree to live with the petitioner, the petitioner performed second marriage. However, petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition.

Learned counsel appearing on behalf of the informant has submitted that informant is not ready to live with the petitioner since petitioner has performed second marriage.

In the alternative, the petitioner is ready to pay Rs. 50,000/- to the informant as an interim maintenance. The petitioner agrees that he will pay Rs. 25,000/- to the informant within a period of one month and the balance amount of Rs. 25,000/- will be paid in two installments starting from 1st of April, 2022 and 1st of May, 2022.

The petitioner also undertakes to make payment of Rs. 4,000/- per month to the informant by depositing the same in her bank account by 1st week of every month from April, 2022.

The learned counsel appearing on behalf of the informant has accepted the offer of the petitioner and



undertakes to provide bank account details of the informant to the petitioner as early as possible.

Considering the aforestated facts, let the petitioner, above named in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Sandesh P.S. Case No. 150 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 25,000/- by the petitioner in the account of the informant.

The aforesaid payments will be subject to any order passed in matrimonial or maintenance proceedings.

(Sunil Kumar Panwar, J)

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