

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.283 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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LAL BABU SON OF BADRUDDIN RESIDENT OF VILLAGE- DARGAH
CHOWK KABRISTAN, WARD NO. 25, P.S.- TOWN, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAYISTA BANO WIFE OF LAL BABU RESIDENT OF VILLAGE-
DARGAH CHOWK KABRISTAN, WARD NO. 25, P.S.- TOWN,
DISTRICT- MADHUBANI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 14-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Madhubani Town P.S. Case No. 106 of 2021 instituted for
the offence under Section 498 (A) of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

As per allegation in the FIR, it is a case of bigamy as
the petitioner has developed extra marital affair with another girl
and without informing the informant, he had performed another
marriage with that girl. It is further alleged that petitioner started



to abuse and torture her mentally and physically.

It is submitted by learned counsel for the petitioner that petitioner is husband of the informant and he has been falsely implicated in this case. It is mentioned in Para 9 of the petition that the informant is handicapped and unable to do domestic work properly and due to which with the consent of informant the petitioner performed second marriage and still petitioner is ready to keep his wife with full honour and dignity.

Learned counsel for the informant prays for some maintenance to the informant for her survival as she is a handicapped and she is not able to maintain herself .

In the alternative, learned counsel appearing on behalf of the petitioner, on instructions, submits that petitioner is ready to give Rs. five thousand per month from this month, subject to furnishing bank account number by the informant to the petitioner.

In the changed circumstance, learned counsel for the informant admits that he shall provide bank account number of the informant to the petitioner within a period of one week from today. On receipt of the bank account number of the informant, the petitioner shall deposit Rs. 5,000/- (Five Thousand) in every month commencing from November, 2022 as maintenance in



the account furnished by the informant.

Having heard learned counsel for the parties and considering the submissions made on behalf of the petitioner, this Court is inclined to enlarge him on bail. The petitioner, above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S. Case No. 106 of 2021, 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. 5,000/- (for the month of November) by the petitioner in the account of the informant.

The aforesaid payment will be subject to any order passed in the maintenance case for final settlement.

(Sunil Kumar Panwar, J)

sushma/shivani

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