

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64913 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- MAHILA P.S. District- Patna

Binod Kumar Singh Son of Sukhdeo Prasad Resident of Mohalla - Co-operative Colony, 184 A, Bokaro Steel City, P.S.- Bokaro City, District - Bokaro, State - Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar
2. Dr. Anubhuti Singh, D/o Late Lalan Kumar Rai, Resident of Mohalla-D.C-31, Lohiya Nagar, P.S. Kankarbagh, District-Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s :	Ms. Asha Kumari, APP
	Mr. Ranjan Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 13-12-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Mahila P.S. Case No. 125 of 2021 registered for the offences punishable under Sections 341, 323, 417, 498A and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. He has got no criminal antecedent.

3. As per the prosecution story, the informant was married with the petitioner in the year 2010 and out of the wedlock, a girl child was born. It is alleged that at the time of marriage, family of the petitioner had stated that this petitioner is doing a good job in Mumbai after passing out from IIM but

later on the informant came to know that the petitioner has neither passed out from the IIM nor he has got a job. It is alleged that the petitioner along with his family members always used to harass and torture the informant and her daughter and further they have kept all the ornaments and have ousted both of them from the matrimonial home.

4. Learned counsel for the petitioner submits that although both the parties are well educated, the matrimonial dispute seems to have developed after about ten years of marriage for the reason that the O.P. No.2 is not willing to live together with the parents of the petitioner.

5. Learned counsel submits that the petitioner has filed a petition seeking decree of divorce which is pending in the court of learned Principal Judge, Family Court, Bokaro whereafter the present criminal case has been lodged.

6. Learned counsel submits, on instruction, that in order to show his bonafide towards his wife and the minor daughter, the petitioner shall pay a sum of Rs. 10,000/- per month as maintenance, for the present, subject to any order which may be passed by a competent court in appropriate proceeding.

7. Learned counsel for the O.P. No.2 has opposed this

application. It is submitted that as per information of the O.P. No.2, the petitioner has been living with another lady at Mumbai and it is for this reason, the matrimonial discord has arisen and further it has been submitted that the petitioner and his parents were not treating the O.P. No.2 properly and she was being subjected to mental and physical torture.

8. On the offer to pay Rs. 10,000/- per month for the present by the petitioner, learned counsel for the O.P. No.2 submits that because the O.P. No.2 and her minor daughter are in need of financial help, they would accept it without prejudice to their stand.

9. Having regard to the facts and circumstances of the case, the fact that matrimonial dispute has arisen ten years after the marriage and at this stage, the petitioner is ready to provide some financial assistance to O.P. No.2 and her minor daughter which she is accepting though without prejudice to her case, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Mahila P.S. Case No. 125 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna

subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. And further condition that in terms of his own offer made before this Court, the petitioner shall pay a sum of Rs. 10,000/- per month for the present subject to any order which may be passed by a competent court of law in an appropriate proceeding.

12. In case of breach of assurance by the petitioner, it will be open for the O.P. No.2 to move this Court seeking appropriate order.

13. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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