

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10921 of 2015

Arising Out of PS.Case No. -124 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Manoj Kumar Son of Sri Ram Babu Resident of Village - Fatejampur, P.S. -
Dedarganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Kumari Wife of Manoj Kumar, Daughter of Yogeshwar Singh,
Resident of Nizampur, P.O. Kachi Dargah, P.S. – Didarganj (Patna
City), District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad

For the Opposite Party/s : Mr. Rajendra Pd.Nat(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 09-07-2015

Heard learned counsels for the petitioner and

the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

In pursuance to the notices issued vide order dated 17.03.2015 the complainant is present.

It is submitted by learned counsel for the

petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para 10 of the petition, which reads as follows:-
“That the petitioner is the husband of the complainant and he is ready to keep the complainant as wife with full dignity and honour.”

However, the complainant is not ready to accept the offer of the petitioner since petitioner has performed second marriage. The same is being denied by the petitioner and it is submitted that there was no such accusation in the complaint nor the cognizance has been taken to that effect.

In the circumstances, the petitioner is ready to pay Rs.800/- per month from August, 2015 to the complainant by depositing the same in her account by second week of every succeeding month.

The offer is acceptable to the complainant, who undertakes to supply the bank account number by submitting the same on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below

within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna City in connection with Complaint Case No. 124 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order being passed in matrimonial, maintenance or other proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail bond of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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