

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13286 of 2015

Arising Out of Complaint Case No. -1941 Year- 2014 Thana -SIWAN COMPLAINT CASE
District- SIWAN

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Yogendra Singh, son of Shiv Nath Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh, Advocate

For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 08-10-2015

Heard learned counsels for the petitioner and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case in which cognizance has been taken under sections 498A,494,504 and 406/34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act. The basic accusation is of torture for non fulfillment of dowry demands and performance of second marriage.

In pursuance to the order dated 31.03.2015, the petitioner and the complainant-opposite party no.2 are present in the Court.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant with him but

admits that he has performed second marriage.

Counsel for the complainant submits that the present scenario when the petitioner has performed second marriage, the complainant is not ready to accept the offer of the petitioner.

Learned counsel for the petitioner further submits that in the alternative petitioner is ready to make payment of Rs.2,000/- (rupees two thousand only) to the complainant from November 2015 by depositing the same in the bank account of the complainant by second week of every month.

The counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account on affidavit before the learned court below within a period of three weeks.

Considering the stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned Chief Judicial Magistrate, Siwan in connection with Complaint Case No.1941 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order

being passed in matrimonial or maintenance proceeding.

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

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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