

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13153 of 2015**

Arising Out of PS.Case No. -410 Year- 2013 Thana -AURANGABAD COMPLAINT CASE  
District- AURANGABAD

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Sanjeev Singh Son of Sri Sanjay Kumar Resident of Argora Housing Colony, House No. M/19, P.S.- Argora, in the town and district of Ranchi (Jharkhand).

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Rachna Pandey Daughter of Sri Devendra Pandey Resident of Village- Pokhata, P.S.- Obra, in the district of Aurangabad, presently residing in Mohalla Sri Krishna Nagar Madhukar Colony, Aurangabad, P.S. Aurangabad, in the town and district of Aurangabad.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bimal Kumar

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

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

ORAL ORDER

04/ 09-09-2015

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 Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

It appears that the issue could not be reconciled



since it is submitted by learned counsel for the petitioner that the petitioner claims that the complainant was found pregnant immediately after the marriage when Matrimonial Suit No. 177 of 2012 with a prayer for divorce on ground of adultery was filed on 13.06.2012 but since it was within one year of the marriage as the marriage was performed on 13.02.2012, hence, it was withdrawn and subsequently Matrimonial Suit No. 69 of 2013 was filed on 20.02.2013. Learned counsel for the petitioner submits that the petitioner in pursuance to the order dated 27.09.2014 passed in Matrimonial Suit No. 69 of 2013 making payment of Rs.3,000/- per month and has already paid the litigation cost of Rs.5,000/-. Subsequently, the order of cognizance was challenged by the petitioner and others in Cr. Misc. No. 49750 of 2014 wherein petitioner was directed to make payment of Rs.2,000/- per month to the complainant and petitioner is making payment of the same also. Though, the said quashing application with regard to the petitioner has been disposed of, but it is submitted by learned counsel for the petitioner that the petitioner will make payment of Rs.3,000/- per month as directed in the matrimonial suit and also Rs.2,000/- as directed in the quashing application to the complainant.

It is submitted by learned counsel for the complainant that the complainant disputes that the amount of Rs.3,000/- per month is not being paid as directed in the matrimonial suit, but accepts that she is receiving Rs.2,000/- per month in pursuance to the order passed in the quashing application.

It is submitted by learned counsel for the petitioner that the petitioner will deposit Rs.5,000/- per month in the account of the complainant. It is submitted by learned counsel for the complainant that the complainant is ready to accept the offer of the petitioner.

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, Aurangabad in connection with Complaint Case No. 410 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted on filing substantive proof with regard to the up-date payment



of Rs.3,000/- per month by the petitioner as directed in the matrimonial suit and Rs.2,000/- as directed in the quashing application.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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



DKS/

**(Dinesh Kumar Singh, J.)**

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