

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9610 of 2015

Arising Out of PS.Case No. -1354 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Amit Singh S/O Anil Kumar Singh R/O E-61, Ashok Vihar Colony, Phase
No.1, P.S.- Paharia, District- Varanasi (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabita Kumari W/O Amit Singh, D/O Surendra Prasad Singh Gautam
R/O Mohalla- Tapeswar Nagar, Jagdeo Path, P.S.- Rupaspur, District-
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Anuj Kr.Srivastav(App)

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

05/ 15-09-2015

Heard learned counsels for the petitioner and the

State.

The petitioner 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 323, 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 is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the

complainant on 26.11.2011 but the marriage has been dissolved by an ex-parte judgment dated 15.01.2014 passed by learned Principal Judge, Family Court, Varanasi in Matrimonial Suit No. 209 of 2013 as contained in Annexure-3, though, the present complaint was filed on 29.12.2012.

It is submitted by learned counsel for the complainant that the complainant was not aware about the matrimonial suit being filed at Varanasi. There is nothing on the record to suggest that any newspaper publication was made in Bihar as the complainant resides at Patna when the bail application was preferred by the petitioner then the complainant came to know about the ex-parte decree of divorce against which the complainant preferred Misc. Appeal No. 29 of 2015 wherein the petitioner has already entered appearance.

However, counsel for the petitioner submits that the petitioner is ready to pay Rs.3,500/- per month from October, 2015 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that the complainant accepts the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of two weeks.





Considering the present stand of the parties and the facts discussed above, 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, Danapur, Patna in connection with Complaint Case No. 1354C of 2012, 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 passed in matrimonial suit, misc. appeal or maintenance proceedings.

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