

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15869 of 2015

Arising Out of PS.Case No. -3860 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Ram Sagar Prasad Kushwaha

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-04-2015

Heard learned counsels for the petitioner and the
State.

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

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

On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"9. That the petitioner being the husband of the complainant is still ready to keep the complainant with full dignity and

honour."

Similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner. A statement has been made at paragraph 6 of the petition that the petitioner filed Matrimonial Case No. 236 of 2014 for restitution of conjugal rights.

It is submitted further on behalf of the petitioner that the petitioner is ready to pay Rs. 1,000/- per month to the complainant from May, 2015 by depositing the same in the bank account of the complainant by second week of every month.

Considering the stand of the petitioner and the stand of the complainant before the learned court below, 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, Saran at Chapra in connection with Complaint Case No.3860 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the complainant within a period of three weeks when it is expected

that the complainant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below.

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.

Ashwini/-

(Dinesh Kumar Singh, J)

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