

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4414 of 2015

Arising Out of PS.Case No. -481 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Rakesh Kumar @ Rakesh Paswan Son of Bigan Paswan Resident of vill-
Bhardua Chenari,P.S-Chenari,Distt.-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

5 20-07-2015 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under section 498A 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. The marriage between the petitioner and the complainant and birth of a male child are admitted facts.

It is submitted on behalf of the petitioner that due to past conduct of the complainant and her family members, the issue

does not appear feasible to be reconciled at present. The petitioner has also filed Matrimonial Case No. 268 of 2013 for dissolution of marriage though subsequent to the filing of the present complaint. Now, the petitioner is ready to make payment of some amount to the complainant though learned counsel for the complainant submits that the complainant wants to resume the conjugal life and there is no obvious reason for the petitioner not to accept the offer and discharge his liabilities.

Considering the rival submissions of the parties, the readiness of the petitioner to make payment of Rs.4,000/- per month to the complainant from August, 2015 by depositing the same in the bank account of the complainant by second week of every month, this court is inclined to grant the privilege of anticipatory bail to the petitioner. The complainant, who is present in court, is ready to accept the offer and undertakes to supply her bank account number to the petitioner by filing the same on affidavit before the learned court below within ten days.

Considering the present 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 Sub Divisional Judicial Magistrate, Sasaram in connection with Complaint Case No. 481 of 2013 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 grant of anticipatory bail to the petitioner will not preclude the parties to resolve the issue otherwise. It is also expected from the learned Principal Judge, Family Court, Sasaram and the learned SDJM, Sasaram where the cases are pending, to make sincere effort to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

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