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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10631 of 2015

Arising Out of PS.Case No. -1179 Year- 2013 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Vikash Kumar @ Vikash Paswan S/o- Sri Yogendra Paswan, Resident of village- Paschami Darbaza, Ghasiyari gali, P.S.- Khajekala, Distt.- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi @ Kumari Nilam, W/o Vikash Kumar @ Vikash Paswan, R/o Mohala- Paschami Darbaza, Ghadiyari gali, P.S.- Khajekalan, Distt.- Patna. At present R/o Moh.- Naya Gaon, Musalahpur Hat, P.O.- Mahendru, P.S.- Sultanganj, Distt. Patna

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vijay Kumar Sinha
For the Opposite Party/s : Mr. Parmeshwar Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-04-2015 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 Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfilment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 618 of 2013 on 29.07.2013 thereafter the present complaint was filed on

23.09.2013, though, the petitioner filed Sanha as well as informatory petition no. 589 of 2013 at earlier point of time when the complainant went missing. The marriage between the petitioner and the complainant and birth of a female child are admitted facts.

It is submitted by learned counsel for the petitioner that reconciliation at this juncture is not feasible, however, learned counsel for the complainant submits the complainant is still ready to resume the conjugal life. .

The petitioner in alternative is ready to pay ₹1,500/- per month to the complainant from June, 2015 by depositing the same in the bank account of the complainant by second week of every month.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and also undertakes to supply her bank account number to the petitioner within a period of three weeks by filing the same on affidavit before the learned court below.

Considering the present stand of the parties, 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

₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Patnacity in connection with Complaint Case No. 1179C 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, maintenance or any other proceedings.

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.

(Dinesh Kumar Singh, J)

Amrendra/-

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