

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.21705 of 2015**

Arising Out of PS.Case No. -17 Year- 2012 Thana -ALAMGANJ District- PATNA

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Santosh Kumar Singh Son of Late Arvind Singh Resident of village - Singh Kund, P.S. Kharik, District - Naugachiya

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Mini Singh, D/o Satish Pd. Singh @ Kailash Singh (A.S.I.), Village – Tewa Chak, P.S. Dhanaruwa, District – Patna.

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

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar

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

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

ORAL ORDER

03/ 15-09-2015

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 307, 379, 328/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and administering poison, thereby making an attempt to end the life of the informant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant on 06.06.2010. The petitioner filed Matrimonial Suit No. 742 of 2011 on 12.10.2011 and thereafter the present FIR

was registered on 24.01.2012. In the matrimonial suit the learned Principal Judge, Family Court, Patna awarded interim maintenance of Rs.6,000/- per month vide order dated 20.03.2015 and litigation cost of Rs.7,000/- and the said order is under challenge in a writ proceeding. Hence, the reconciliation is not feasible at present. However, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.6,000/- per month as directed by the Family Court subject to the result of any order being passed by the superior court.

It is submitted by learned counsel for the informant that the informant is still ready to resume the conjugal life and the petitioner evaded to receive notice in maintenance proceeding and is not making payment of interim maintenance amount.

Considering the filing of matrimonial suit at earlier point of time and the present stand of the petitioner, 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 Additional Chief Judicial Magistrate, Patna City in connection

with Alamganj P.S. Case No. 17 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted on filing affidavit with regard to the up-date payment of the interim maintenance amount and litigation cost as directed by the Family Court, Patna.

The aforementioned payment will be subject to alteration of the order by any superior court or Family Court itself.

Three consecutive defaults in making payment will give liberty to the informant to file application for cancellation of bail of the petitioner. The informant will also file an application for cancellation of the bail of the petitioner if the petitioner fails to appear on three consecutive occasions either in matrimonial suit or maintenance case or any proceeding arising out of the matrimonial dispute.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

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

DKS/

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