

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29935 of 2014

Arising Out of PS.Case No. -1346 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Jagdish Jamadar Son of Late Jitan Jamadar, Resident of Village. -
Andhana Beldaria, P.S. - Noorsarai, Distt. - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Raj Kuri Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Amit Kr. Rakesh (App)

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

ORAL ORDER

3 19-03-2015 Learned counsel for the petitioner is permitted to make

necessary correction in the petition, as prayed for.

Heard learned counsels for the petitioner 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 sections 498A and 494 of the Indian Penal

Code.

The basic accusation is of torture for non fulfillment of

dowry demands and performing second marriage.

It is submitted by learned counsel for the petitioner that

the petitioner was married with the complainant about 38 years

ago and the complainant herself admitted in the complaint petition that after three years of marriage she left the matrimonial house and is residing at her parents' house. The petitioner performed second marriage when the complainant deserted him.

Notices were issued to the O.P. No. 2 vide order dated 19.1.2015. From the office note dated 18.3.2015, it appears that notice was received by O.P. No. 2 but none is appearing on her behalf.

Since the marriage between the petitioner and the complainant is admitted and the petitioner is ready to pay Rs. 1,500/- per month to the complainant from April, 2015 by depositing the same in the bank account of the complainant by second week of every month, 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 Judicial Magistrate Ist Class, Nalanda at Bihar Sharif in connection with Complaint Case No. 1346C 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 bond of the petitioner.

(Dinesh Kumar Singh, J)

Anil/-

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