

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23648 of 2015

Arising Out of PS.Case No. -1881 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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KUNAL KISHORE @ KUNAL PANDEY

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. A.L.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-08-2015

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 4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand. The factum of marriage and birth of two children are admitted facts.

In pursuance to the notices issued to the opposite party no.2 vide order dated 07.07.2015, the petitioner and complainant are present in the court.

It is submitted by learned counsel for the petitioner that the complainant deserted the petitioner after leaving one year

infant female child, hence to bring up the informant child the petitioner has to perform second marriage but thereafter the complainant resumed conjugal life and gave birth to a male child, thereafter again complainant deserted the petitioner. At present the male child is with the complainant whereas female child is with the petitioner. Statement has been made in para 11 of the petition that the petitioner is still ready to resume the conjugal life.

It is submitted by learned counsel for the complainant that the complainant is not ready to accept the offer of the petitioner as the petitioner has performed second marriage.

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

The complainant is ready to accept the offer the petitioner and also undertakes to supply her bank account to the petitioner within a period of three weeks by filing the same on affidavit before the learned court below.

Considering the 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 1881 of 2014, 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 present order in no way will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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