

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31133 of 2014

Arising Out of PS.Case No. -2181 Year- 2013 Thana -COMPLAINT CASE District- BANKA

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1. Sanjeev Kumar @ Sanjiv Kumar Singh Son of Sri Sheo Nandan Singh resident of village Naya Gaon, Police Station- Bath in the district of Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prem Lata Devi @ Godawan Wife of Sanjiv Kumar Singh and daughter of Late Arun Kumar Rai resident of village- Banka Police Station - Chandanin the district of Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Anish Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 19-03-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case 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 section 4 of the Dowry Prohibition Act.

Notices were issued to the O.P. No. 2 vide order dated 28.1.2015. 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.

It is submitted on behalf of the petitioner that the



complainant is suffering from some mental abrasion for which she is being treated. The petitioner filed Matrimonial Case No. 18 of 2007 for divorce though the same stood dismissed for default. The complainant has also filed Misc. Case no. 173 of 2013 for maintenance before the learned C.J.M., Banka. It is further submitted that 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.

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, Banka in connection with Complaint Case No. 2181 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)

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