

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31599 of 2015

Complaint Case No. -2584 Year- 2011 Thana -PATNA COMPLAINT CASE District- PATNA

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Amar Singh @ Amar Kumar Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Shah, Advocate

For the Opposite Party/s : Mr. Anita Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 10-12-2015

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 basic accusation is of torture for non-fulfillment of dowry demand.

On instruction learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant in 2007 having no issue and subsequent to filing of complaint, has filed Matrimonial Suit No.110/2012 with a prayer for divorce. The complainant has also filed Matrimonial case no.5495 of 2014 with a prayer for divorce. Hence, under the circumstances

reconciliation does not appear to be feasible at present.

However, petitioner is ready to make payment of Rs. 3,500/- per month to the complainant from January, 2016 by depositing the same in the bank account of the complainant by second week of every month.

The counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account on affidavit before the learned court below within a period of two weeks.

Considering the 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 SDJM, Patna in connection with Complaint Case No.2584-C/2011, 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 will not preclude the parties to
reconcile the issues otherwise.

Ashwini/-

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(Dinesh Kumar Singh, J)