

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36226 of 2015

Arising Out of PS.Case No. -290 Year- 2009 Thana -BARHARA District- BHOJPUR

=====

Sambhu Kumar Singh @ Shambhu Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and has filed Matrimonial Suit No. 252 of 2015 for restitution of conjugal life and he is still ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour.”

Learned counsel for the informant submits that the informant is not ready to accept the offer of the petitioner due to past conduct of the petitioner.

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

Learned counsel for the informant, on instruction, submits that the informant is ready to accept the offer of the petitioner and also undertakes to submit her bank account number to the petitioner within a period of two weeks by filing the same on affidavit before the learned court below.

Considering the present 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 SDJM, Bhojpur at Ara in connection with Barhara P.S. Case No. 290 of 2009, 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 informant to file an application for cancellation of bail of the petitioner.

The grant of bail of the petitioner will not preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--