

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37734 of 2015

Arising Out of PS.Case No. -73 Year- 2015 Thana -KUDHNI District- MUZAFFARPUR

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Sudhir Kumar Sah

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Jha

For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 21-09-2015

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 Sections 498A, 420, 307 and 120B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand and attempting to kill the informant by setting her on fire.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition, which reads as follows:-

“That... The petitioner is always ready to keep or maintain his with full dignity.”

It is submitted by learned counsel for the informant that the informant is not ready to accept the offer of the petitioner since the petitioner has performed second marriage. This fact is being admitted by learned counsel for 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.

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

Considering the present stand of the informant, 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, West Muzaffarpur in connection with Kudhni P.S. Case No. 73 of 2015, 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 present order in no way will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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