

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40252 of 2015

Arising Out of Complaint Case No. -3050 Year- 2014 Thana -VAISALI COMPLAINT CASE
District- VAISHALI(HAJIPUR)

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Dharmvir Kumar Rai, son of Laxman Rai

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajoday Satyjeet, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-08-2015

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 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 2012 having no issue and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads

as follows:-

"9. That the petitioner is ready to keep her wife with full honour and dignity but in the influence of her mother, father and sister she is not willing to adjust with the petitioner."

Learned counsel for the petitioner further submits that similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner as she was apprehensive with the past conduct of the petitioner. The above fact gets reflected from the impugned order, relevant portion of the same reads as follows:-

"The complainant has appeared in this court during hearing of this A.B.P. and has stated that if she will go with her husband/petitioner no.1 of this A.B.P., he will kill her positively and to support the same she has put his signature in the margin of this ordersheet. Petitioner has denied from the aforesaid averment made by his wife/complainant and has stated that he is ready to keep his wife with full love, affection and circumstances, the reconciliation is not possible."

Learned counsel for the petitioner further submits that the petitioner is ready to make payment of Rs.2000/- per month to the complainant from October, 2015 by depositing the same in the bank account of the complainant by second week of every month.

Considering the stand of the complainant that she is not ready to reconcile the issue and present stand of the petitioner



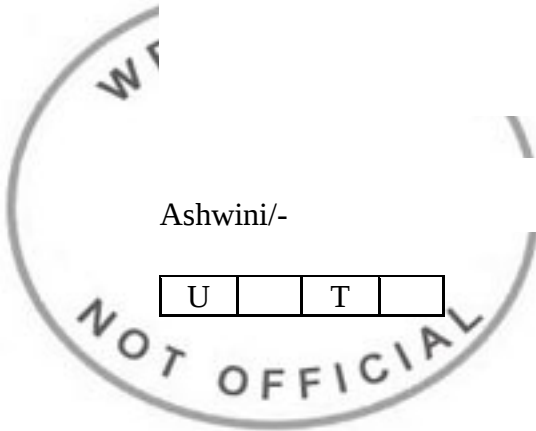
to make payment of Rs.2000/- per month to the complainant, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No.3050 of 2014, 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. If the complainant fails to submit her bank account number then the said amount will be deposited in the learned court below, which will be invested in fixed deposit scheme and the same will be subject to result of the case.

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.



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(Dinesh Kumar Singh, J)