

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45339 of 2014

Arising Out of PS.Case No. -674 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Manjit Kumar Baranwal @ Manjit Kumar @ Lalu S/o Mohan Prasad
Barnwal R/o Village-Shofa Tola, P.S.-Shikarpur, District-W. Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bharti Devi, W/o Manjit Kumar Barnwal, R/o Saraswati Nagar, Ward
No. 12, Near Babu Junior High School, Gopalganj, P.S. + District –
Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

08/ 17-08-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the complainant
is apprehending his arrest in a complaint case wherein processes
have been directed to be issued after cognizance being taken for
the offences punishable under Sections 323, 406, 498A of the
Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner
that Matrimonial Suit No. 394 of 2013 filed, with a prayer for

divorce, before the Principal Judge, Family Court, Bettiah, West Champaran at earlier point of time.

On the joint prayer of the parties the matter was adjourned to enable them to appear before the Principal Judge, Family Court, Bettiah, West Champaran but the complainant failed to appear.

It is submitted by learned counsel for the complainant that the complainant is not well, hence, she has not appeared today. It appears that complainant is not willing to reconcile the issue.

In the alternative, the petitioner is ready to pay Rs.1500/- per month from September, 2015 to the complainant by depositing the same in her account by second week of every month.

It is submitted by learned counsel for the complainant that the complainant is ready to accept the offer and the undertakes to supply bank account number by filing the same on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below



within a period of twelve 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 learned Sub-divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 674 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail of the petitioner.

It is made clear that with regard to custody of the child the complainant will be at liberty to agitate the issue in appropriate proceeding.

(Dinesh Kumar Singh, J.)

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