

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41767 of 2015

Arising Out of PS.Case No. -3430 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Rahul Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner filed Matrimonial Case No. 222 of 2013 on 27.01.2013 for restitution of conjugal life and thereafter the present complaint was filed. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has

been made in para 16 of the petition which reads as follows:-

“That the petitioner again reiterates that he is ready to keep complainant as his wife with full dignity and honour according to his means.”

Similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner which also gets reflected from the impugned order which reads as follows:-

“At the time of hearing husband/petitioner Rahul Kumar present in court room and wife Chandani Devi also appeared along with her learned counsel. Husband stated that he is a salesman in a jewelry shop and he is ready to keep his wife but the wife refused to go and live with her husband as her husband perpetrated torture and cruelty and used to come in a drunken state in the night and caused injury by knife on her persons and when there was no likelihood for settling the matter, hearing on merit resumed.

It is further submitted that in pursuance to order passed in quashing application being Cr. Misc. No. 7193 of 5015, the petitioner is making payment of ₹750/- per month to the complainant.

Considering the present 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 twelve weeks from today, on furnishing bail bond of

₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Muzaffarpur in connection with Complaint Case No. 3430 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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