

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42566 of 2015

Arising Out of PS.Case No. -28844 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

Rajiv Ranjan @ Rajeev Ranjan @ Raju S/o Sri Shankar Prasad Yadav
Resident of Mohalla Golghar, Park Road, Police Station Gandhi Maidan in
the Town and District of Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Indrani Kumari W/o Shri Rajiv Ranjan Resident of Mohalla Golghar,
Park Road, Police Station Gandhi Maidan in the Town and District of
Patna, presently residing at Mohalla Dakshini Mandir, P.S. Buddha
Colony, District Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. A.Dayal(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 29-09-2015

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 498A of the Indian Penal Code and 4 of Dowry

Prohibition Act.

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

It is submitted by learned senior counsel for the petitioner that the petitioner admits his marriage with the complainant and has filed Matrimonial Suit No. 342 of 2013 for restitution of conjugal life, moreover, petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is the husband of the Opposite Party No. 2 and has always been ready to live with his wife and to keep her with full dignity. He is ready to keep his wife with him now also and fulfill all the matrimonial responsibilities but to utter disregard. It is her wife who does not want to live with him.”

It is further submitted that during recording the S.A. the complainant specifically stated that she is not ready to live with her husband.

It is submitted by learned senior counsel for the complainant that due to the past conduct of the petitioner the complainant is apprehensive in accepting the offer of the petitioner at present and she is willing to accept some monthly



amount.

Learned senior counsel for the petitioner submits that the petitioner is ready to pay Rs.2,000/- per month from November, 2015 to the complainant by depositing the same in her account by second week of every month.

It is submitted by learned senior counsel for the complainant and the complainant is ready to accept the offer of the petitioner and undertakes to submit the bank account number 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, Patna in connection with Complaint Case No. 28844(C) 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 or related proceedings.



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

The present order, in no way, will preclude the parties to resolve the issue otherwise.



DKS/

(Dinesh Kumar Singh, J.)

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