

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41703 of 2015

Arising Out of PS.Case No. -78 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

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Rabi Ranjan Kumar, son of Awadhesh Prasad, resident of village Ekwari,
P.O. Ekwari, P.S. Sahar, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shail Kumari, wife of Rabi Ranjan Kumar resident of village Ekwari,
P.O. Ekwari, P.S. Sahar, District Bhojpur, Presently residing at village-
Pratappur, Mathiya, P.S. Sandesh, District Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Pramod Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2015 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, 323, 504 and 379/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the informant is married with the petitioner on 27.06.2004, thereafter, there are two children out of wedlock. The petitioner filed Matrimonial Case No. 05 of 2015 on 05.01.2015 wherein notices were issued on 14.01.2015, thereafter the complaint was

filed on 27.01.2015 which came to be registered as a police case on 03.05.2015. It is further submitted that the petitioner is an army personnel and when the issue could not be reconciled the petitioner filed matrimonial suit, hence reconciliation is not feasible at present.

However, the petitioner is ready to pay ₹5,000/- 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.

Considering the 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 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, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No. 78 of 2015, 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 informant within a period of three weeks when it is expected that the informant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below.

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.

If the informant fails to submits her bank account number or refuses to accept the payment then the aforesaid money will be deposited before the learned court below which will be invested in some fix deposit scheme in connection with present case which will be subject to the result of the present case.

(Dinesh Kumar Singh, J)

Amrendra/-

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