

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41648 of 2015

Arising Out of PS.Case No. -115 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Dilip Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 15-09-2015 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 342, 323, 504, 498A and 379/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the marriage between the petitioner and informant on 28.11.2012 and birth of a child are admitted. It is further submitted that the petitioner filed Matrimonial Suit No. 36 of 2015 with a prayer for divorce on 17.03.2015 and thereafter the present FIR was registered on 15.04.2015, hence there is no chance for reconciliation at present.

In the alternative, the petitioner is ready to pay ₹3,000/- 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 filing of matrimonial suit at earlier point of time and the present stand of the petitioner of making payment, 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, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 115 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 submit her bank account or refuses to accept the offer of the petitioner 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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