

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44490 of 2015

Arising Out of PS.Case No. -28508 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Dr. Abhijit Sinha @abhijit Kumar Sinha

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Binod Kumar No. 3 (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2015

Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture for non-fulfillment of the dowry demand. The complainant claims that her pregnancy was forcibly got terminated and the petitioner has performed second marriage with one Monisha Singh.

It is submitted by learned counsel for the petitioner that prima facie the case under Section 498A IPC has been found and the cognizance has not been taken under Section 494 IPC and it is the complainant who filed Matrimonial Suit No. 786 of 2015 with

a prayer for divorce.

Learned counsel for the complainant submits that in the circumstance as submitted, there is no chance to reconcile the issue in terms of residing together.

It is further submitted by learned counsel for the petitioner that in the alternative, the petitioner is ready to pay ₹3,500/- per month to the complainant from October, 2015 by depositing the same in the bank account of the complainant by second week of every month.

It is submitted by learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the alternative offer of the petitioner and also undertakes to supply her bank account number to the petitioner within a period of two weeks by submitting the same on affidavit before the learned court below.

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 CJM, Patna in connection with Complaint Case No. 28508C of 2014, subject to the conditions as

laid down under Section 438(2) Cr.P.C.

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 complainant to file an application for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--