

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41987 of 2015

Arising Out of PS.Case No. -286 Year- 2014 Thana -BARACHATTI District- GAYA

Md. Farooque

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Dilip Kumar(App)

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/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 informant was married with the petitioner on 26.05.2011 when the petitioner filed Matrimonial Title Suit No. 129 of 2014 on 06.06.2014 with a prayer for divorce and thereafter the present FIR was registered on 03.07.2014. It is further submitted that the petitioner made all efforts to resume the conjugal life and when the issue could not be reconciled, the petitioner filed matrimonial

suit with a prayer for divorce, hence, at present reconciliation is not feasible.

In the circumstances, the petitioner is ready to pay ₹2,000/- 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 Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Barachatti P.S. Case No. 286 of 2014, 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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