

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44436 of 2015

Arising Out of PS.Case No. -60 Year- 2014 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

Pradip Kumar Singh @ Pradip Kumar Mehata(singh)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayan Shanker Prasad

For the Opposite Party/s : Mr. Smt.Rina Sinha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2015

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, 341, 504 and 506/34 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 petitioner admits his marriage with the informant on 16.03.2004 but the marriage had never been consummated. The petitioner filed Matrimonial Suit No. 169 of 2011 with a prayer for divorce and thereafter on 08.09.2011, Complaint Case No. 1050 of 2011 was filed with accusation of torture for non-fulfillment of the dowry demand. This Court after considering the fact that

matrimonial suit was filed prior to lodging of the complaint and the petitioner is making maintenance amount of ₹1,800/- per month to the complainant as directed by the learned court below, the petitioner was granted anticipatory bail in Complaint Case No. 1050 of 2011 vide order dated 01.07.2013 passed in Cr. Misc. No. 9024 of 2013 and thereafter the present FIR was lodged on 17.11.2014. It is further submitted that the petitioner is still making payment of maintenance amount as directed by the learned court below.

Considering the fact that matrimonial suit was filed at earlier point of time and subsequent to that the petitioner was granted anticipatory bail in complaint case filed with similar accusation, 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 C.J.M., Rohtas in connection with Mahila P.S. Case No. 60 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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