

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47699 of 2015

Arising Out of PS.Case No. -107 Year- 2015 Thana -MUSAHRI District- MUZAFFARPUR

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Md. Tayab @ Chunnu

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-10-2015

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 147, 148, 323, 324, 379, 406 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two children and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant/informant with dignity and due love and care.”

Similar was the stand of the petitioner before the learned court below but the informant refused to accept the offer of the petitioner which gets reflected from the impugned order.

In the alternative, the petitioner is ready to pay ₹2,000/- per month to the informant for the welfare of the children from November, 2015 by depositing the same in the bank account of the informant by second week of every month.

Considering the present 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 Chief Judicial Magistrate, Muzaffarpur in connection with Mushahari P.S. Case No. 107 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.

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

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.

(Dinesh Kumar Singh, J)

Amrendra/-

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