

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48205 of 2014**

Arising Out of PS.Case No. -122 Year- 2014 Thana -KASIMBAZAR District- MUNGER

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1. Ashish Kumar Rajak Son of Sri Jagarnath Prasad Kanojiya resident of Mohalla- Lanka Tola, Madhubani Bazar, P.S.- K. Hat, District- Purnea

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Shweta Prasad Daughter of Sri Mahesh Prasad resident of Mohalla- Belam Bazar, Dhobi Tola, P.S.- Kasim Bazar, District- Munger

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Anand

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

10    14-12-2015                      Heard learned counsels for the petitioner, informant and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A,313,323,504 and 506/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and getting the pregnancy terminated.

The petitioner and the informant are present in court.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant. There is no documentary proof to substantiate the accusation of getting

the pregnancy terminated and the petitioner has filed Matrimonial Suit for restitution of conjugal rights and still ready to keep the informant as wife with due dignity and honour. Statement to that effect is made in paragraph 14 of the petition which reads as follows:

“That the petitioner is ready to keep her with full honour and dignity.”

Learned counsel for the informant submits that the informant is not ready to accept the offer of the petitioner. In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2000/- per month from January, 2016 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and is not opposing the prayer of the petitioner for bail. The learned counsel for the informant undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, 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 twelve weeks from today on furnishing bail bond of

Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Munger in connection with Kasim Bazar P.S. Case No.122 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. Learned counsel for the petitioner submits that the petitioner will regularly appear in the maintenance proceeding before the learned court below.

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.

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

**(Dinesh Kumar Singh, J)**

Anil/-

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