

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52073 of 2015

Arising Out of PS.Case No. -574 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Ashok Kumar Das

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-11-2015

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 3/4 of the Dowry Prohibition Act.

The 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 complainant but the complainant could not conceive in spite of undergoing long treatment. Ultimately, the complainant deserted the petitioner for which the petitioner filed informatory petition on 26.09.2014 and ultimately filed Matrimonial Suit No. 54 of 2015 on

19.03.2015 and thereafter on 17.04.2015 the present complaint was filed.

The petitioner is ready to pay ₹1,500/- per month to the complainant from December, 2015 by depositing the same in the bank account of the complainant 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 SDJM, Darbhanga in connection with C.R. Case No. 574 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 complainant within a period of three weeks when it is expected that the complainant 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 complainant to file an application

for cancellation of bail of the petitioner.

If the complainant fails to submit her bank account number or refuse to accept the aforesaid amount then the aforesaid money will be deposited before the learned court below which will be subject to the result of the present case.

(Dinesh Kumar Singh, J)

Amrendra/-

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