

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40848 of 2011

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1. Dilip Sharma S/O Sukhdeo Sharma R/O Village - Keora, P.S. Punpun, Distt. – Patna	Versus	 Petitioner
1. The State Of Bihar		
2. Rubi Devi, w/o Dilip Sharma, r/o Hajrat Sain, P.S. Dhanrui, district Patna		 Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Binod Kumar, Adv.
For the State	:	Mr. Dr.I.K.Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

7 20-01-2015

Heard the learned counsel for the appellant and
the State.

This is a petition for grant of anticipatory bail for
offence under Sections 498A/34 of the Penal Code and 3 and 4 of
the Dowry Prohibition Act.

There is allegation of demand and subjecting
cruelty. The anticipatory bail is pending since 2013 and order of
stay has been granted. The learned counsel for the petitioner
submits that even notice sent to opposite party no. 2, but, report
has not been received.

Hence, having regard to the facts and
circumstances of the case, the petitioner, above named, in the
event of his arrest or surrender, within four weeks from the date of
receipt of this order, is directed to be released on **provisional
anticipatory bail for four months** on furnishing bail bond of
Rs.10,000/- (rupees ten thousand) with two sureties of the like
amount each in connection with the **Complaint Case No. 135C of
2008** to the satisfaction of the **Subdivisional Judicial Magistrate,
Masaurhi, Patna**, subject to the condition that the petitioner shall
pay Rs.750/- per month as maintenance till higher maintenance is
decided by a competent Court.

The Court below shall issue notice to the wife and if the wife comes and receives maintenance, then, the trial Court shall take steps to compromise the case and if a compromise happens and girl went with the husband or in case the wife does not turns up for four months, after depositing the maintenance, then, the provisional anticipatory bail shall be confirmed by the Court below, itself, and the petitioner is not required to pay further maintenance and the petitioner may withdraw the deposited amount and the petitioner shall appear in the case as per the direction issued by the trial Court.

(Gopal Prasad, J)

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