

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50503 of 2015**

Arising Out of PS.Case No. -13 Year- 2015 Thana -MAHILA P.S. District- SAMASTIPUR

Md. Rahmat

.... .... Petitioner/s

Versus

State of Bihar & Anr

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

**Appearance :**

For the Petitioner/s : Mr. Binay Kumar, Adv.

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

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

2 03-11-2015

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/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 but the petitioner filed Matrimonial Suit No. 06 of 2015 on 20.01.2015 with a prayer for divorce and thereafter the present FIR was registered on 07.04.2015, in the circumstances, at present the reconciliation is not feasible.

However, in the alternative, the petitioner is ready to

pay ₹1,100/- per month to the informant from December, 2015 by depositing the same in the bank account of the informant 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 Addl. Chief Judicial Magistrate, Samastipur in connection with Mahila P.S. Case No. 13 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.

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.

If the informant 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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