

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41144 of 2015

Arising Out of PS.Case No. -244 Year- 2015 Thana -BUXAR COMPLAINT CASE District-
BUXAR

Ashok Thakur S/o Sheopujan Thakur, Resident of Village- Lal Singh Ke Dera, P.S.- Simri, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Devi, w/o Ashok Thakur, resident of village- Lal Singh Ke Dera, P.S.- Simri, District- Buxar at present Residing at Village- Chhotki Gayghat, P.S.-Brahmpur, District- Buxar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 22-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

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

The petitioner and the complainant are present.



Counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:- **“That the petitioner is ready to keep the complainant with full honour and dignity.”** The petitioner has also filed matrimonial suit for restitution of conjugal life. Though, statement to that effect has been made in paragraph 8 of the petition, but number of the matrimonial suit has not been mentioned, which reads as follows:- **“That the petitioner had filed a case u/s 9 of Hindu Marriage Act and still ready to keep the complainant.”**

Counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner as she is apprehensive due to the past conduct of the petitioner.

It is further submitted by learned counsel for the petitioner that twice the police made verification and found that it was the complainant who is not ready to reconcile the issue.

However, in the alternative, the petitioner is

ready to pay Rs.1100/- per month from October, 2015 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the complainant accepts the offer of the petitioner and undertakes to submit bank account number on filing the same on affidavit before the learned court below within a period of two weeks.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his 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 Sub-divisional Judicial Magistrate, Buxar in connection with Complaint Case No. 244(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail of the petitioner.



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



(Dinesh Kumar Singh, J.)