

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14065 of 2015

Arising Out of PS.Case No. -2264 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Rakesh Sah S/o Rajendar Sah resident of village Sasola, P.S. Sheohar, Dist
Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pratima Kumari w/o Rakesh Sah r/o sasola p.s. Sheohar District Sheohar
at present D/o Ravindar Sah resident of village Kora Bhim , P.S.
Parsauni District Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. A.Haque Sahara(App)

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

03/ 14-09-2015

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.

On the joint prayer of the parties the matter was
referred to the Mediation Centre, but it appears from the report

of the Mediator dated 20.08.2015 that both sides did not agree to reside together.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant on 19.04.2012 having no issue. The petitioner and the complainant are present in the Court. The complainant is ready to resume the conjugal life. It is further submitted that the petitioner filed Matrimonial Suit No. 16 of 2013 on 29.11.2013 and thereafter the present complaint was filed on 19.12.2013.

In the alternative the petitioner is ready to pay Rs.3,500/- per month from October, 2015 to the complainant by depositing the same in her account by second week of every month. Learned counsel for the complainant submits that the complainant accepts the offer and undertakes to submit bank account number within a period of two months by filing the same on affidavit before the learned court below.

Considering the fact that the matrimonial suit was filed at earlier point of time by the petitioner and the 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, Sitamarhi in connection with Complaint Case No. C1-2264 of 2013, 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.)

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