

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15945 of 2015

Arising Out of PS.Case No. -1001 Year- 2012 Thana -BUXAR COMPLAINT CASE District-
BUXAR

Sanjay Rai Son of Dr. Baban Rai Resident of Village - Sukhdehra, P.S. -
Koranta Dih, District Gazipur (U.P.) at present C/o Dr. R.C. Sharma, K.K.
Puri, Jhansi (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Chhaya Devi D/o Vibhuti Narayan Rai, Wife of Sanjay Rai
resident of village - Collectorate Road, Buxar, Buxar (T), District -
Buxar, Permanent Address Village - Sukhdehra, P.S. - Koranta Dih,
District - Gazipur (U.P.).

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagdish Prasad
For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

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

05/ 09-09-2015 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 3/4 of Dowry
Prohibition Act.

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

Since the petitioner has performed second marriage and has two children out of the second marriage there is no chance of reconciliation. In the alternative, the petitioner is ready to make payment of Rs.6,000/- per month from September, 2015 to the complainant by depositing the same in her account by second week of every month. Though, in the month of September, 2015 it may be deposited within a period of three weeks from today.

Counsel for the complainant submits that the complainant accepts the offer of the petitioner and undertakes to submit her bank account number by 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. 1001(C) of 2012, 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.



DKS/

(Dinesh Kumar Singh, J.)

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