

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2371 of 2015

Arising Out of PS.Case No. -3444 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Abhishek Sinha Son of Mrityunjay Prasad Sinha Resident of vill-
Shambhupatti,P.S-Samastipur(Muffasil),Distt.-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Mausam Devi Wife of Abhishek Sinha,D/O;Ram Swaroop Prasad
Resident of vill-Tengraha,P.S-Meenapur,Distt.-Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 09-02-2015

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 in

which cognizance has been 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.

The marriage between the petitioner and the

complainant is admitted. There is no issue out of the wedlock.



It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 332 of 2013 for divorce on 06.12.2013 and thereafter the present complaint has been filed on 23.12.2013. In pursuance to the order passed in matrimonial suit petitioner is making payment of maintenance amount of Rs.1,000/- vide order dated 05.12.2014, but no payment has been made till date. It is further submitted that the petitioner is ready to pay Rs.1,500/- per month from March, 2015 along with Rs.5,000/- as litigation cost to the complainant by depositing the same in her account by second week of every month.

It is submitted by learned counsel for the complainant that she was driven out from the matrimonial house on 18.10.2013 which gets reflected from the plaint of the matrimonial suit and the complainant is still ready to resume the conjugal life. It is further submitted that the complainant will supply the bank account number by submitting the same on affidavit before the learned court below within a period of two weeks.

Considering the fact that the matrimonial case was lodged at earlier point of time by the petitioner and the stand of the petitioner, 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 (East), Muzaffarpur in connection with Complaint Case No. 3444 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforesaid payment will be subject to any order passed in matrimonial or maintenance proceedings.

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

(Dinesh Kumar Singh, J)

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