

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3863 of 2015

Arising Out of PS.Case No. -149 Year- 2014 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Balraj Kumar, S/o Bishwanath Mandal, resident of village- Bari Dariyapur,
P.S.- Jamalpur, District- Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 29-01-2015 Heard learned counsel for the petitioner and the

State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 34 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that both the petitioner and complainant have filed



Matrimonial Suit No. 423 of 2014 and 439 of 2014 for divorce which is pending before the Principal Judge, Family Court, Munger. The divorce case filed by the petitioner was at earlier point of time. Hence, reconciliation does not appear to be feasible at this juncture. The petitioner is ready to pay Rs.1,000/- per month from March 2015 to the complainant by depositing the same in her account by second week of every month.

Considering the fact that the matrimonial case was lodged at earlier point of time by the petitioner and the present 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Munger in connection with Complaint Case No. 149C of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

It is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks. The aforesaid payment will be subject to any order being 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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