

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14755 of 2015

Arising Out of PS.Case No. -551 Year- 2014 Thana -LAHERIASARAI District- DARBHANGA

1. Priyendu Jha Son of Dr. Bindeshwar Jha Bindu, Resident of Mohalla -
New Market, Benta Road (Laheriasarai), P.S. - Laheriasarai, District -
Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. U.L.Verma(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 10-04-2015 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under sections 498A and 323 of the Indian Penal
Code and sections 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of
dowry demands.

Marriage between the petitioner and the informant in
2009 is admitted fact.

It is submitted by learned senior counsel for the
petitioner that Matrimonial Suit No. 75 of 2014 was filed by the

petitioner in which notices were received by the informant on 12.11.2014, thereafter the present FIR was registered on 28.11.2014. The informant filed her written statement in the matrimonial suit taking a clear stand not to resume the conjugal life since there is threat to her life.

Paragraph 19 of the written statement of the defendant informant reads as follows:

“That now the O.P. is also apprehending that she may be put to death any moment if she goes to her sasural or the place of her husband and as such it is not safe for herself to live at her sasural and for the safety of her life she has been compelled to live at her Maike.”

It is further submitted on behalf of the petitioner that the marriage was never consummated and there is no issue out of the wedlock though at present the petitioner is ready to pay Rs.2500/- per month to the informant from May, 2015 by depositing the same in the bank account of the informant by second week of every month.

Learned counsel for the informant accepts the offer and undertakes to supply the bank account number of the informant to the petitioner by filing the same on affidavit before the learned court below.

Considering the filing of the matrimonial suit at earlier point of time, admission of the informant in the FIR that on receipt of the notice of matrimonial suit the present FIR was lodged and the present stand of the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 551 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

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

(Dinesh Kumar Singh, J)

Anil/-

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