

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19366 of 2015

Arising Out of PS.Case No. -3221 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Mahesh Prasad, son of Late Suraj Prasad, resident of Mohalla-Ramji chak, police station-Digha, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Devi, wife of Mahesh Prasad, Daughter of Bansi Rai, resident of Mohalla-Ramji chak, police station-Digha, District-Patna, at present resident of Mohalla- Mahatma Gandhi Nagar, Police Station-Patnakar Nagar, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-04-2015 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, 327, 504, 506 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction learned counsel for the petitioner

submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-9 of the petition.

Learned counsel for the complainant submits that the complainant is not ready to accept the offer. However, it is submitted by the learned counsel for the complainant that complainant is not opposing the prayer for bail but willing to get some amount per month for maintaining herself.

It is submitted by the learned counsel for the petitioner that reconciliation does not appear to be feasible at this venture. The petitioner is ready to pay Rs.1,500/- per month from June, 2015 to the complainant by depositing the same in her account by second week of every month.

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No. 3221C of 2013, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The counsel for the complainant undertakes to submit the bank account number of the complainant 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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