

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27705 of 2015

Arising Out of PS.Case No. -42 Year- 2012 Thana -PATNA COMPLAINT CASE District- PATNA
=====

1. Manoj Kumar Son of Late Lakhan Rai, Resident of Jagjivan Gali, Jagat Narayan Road, Congress Maidan, P.S. - Kadamkuan, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

2. Nitu Devi, W/o Manoj Kumar, D/o Lal Babu Yadav, R/o Ranipur Khirki, Kali Asthan, P.S. - Ehdiganj, District - Patna.

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra

For the Opposite Party/s : Mr. Nityanand (App)
=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-07-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

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

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

It is submitted by the learned counsel for the petitioner that earlier Matrimonial Case No. 899 of 2011 for restitution of conjugal right was filed. The order dated 03.12.2012 contained in annexure-2 passed in Matrimonial Case No. 899 of

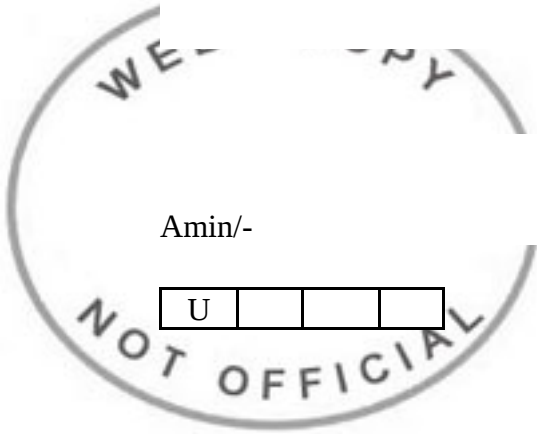
2011 suggests that re-conciliation failed due to objection of the complainant. The petitioner is still ready to keep the complainant as wife with honour and dignity.

Considering the fact that the marriage between the petitioner and the complainant is not in dispute, the petitioner is ready to make payment of Rs.1000/- (rupees one thousand) per month to the complainant. The deposit shall be made in the Bank account of the complainant.

Considering the present stand of the petitioner, 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 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 the learned Sub-divisional Judicial Magistrate, Patna City in connection with Complaint Case No. 42(c) of 2012 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner should serve a copy of this order on the complainant. The complainant is expected to submit the Bank account number to the petitioner within a period of four weeks. The above payment shall be subject to passing any order in the matrimonial case. If the complainant will not accept the offer of

the petitioner, then the petitioner shall deposit the money in the court below which shall be subject to the result of the case.



Amin/-

(Dinesh Kumar Singh, J)