

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2724 of 2015

Arising Out of PS.Case No. -947 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Siya Sharan Yadav @ Siya Sharan Kumar S/o Basudeo Yadav R/o Vill
- Chanaun, P.S. - Rupoh, District - Nawada.

.... Petitioner

Versus

1. The State of Bihar.
2. Usha Devi W/o Siya Sharan Kumar, D/o Sri Binda Yadav R/o Vill -
Jiury, P.S. - Pakribarawan, District - Nawada

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha

For the Opposite Parties : Mr. Shakir Ahmad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 14-05-2015

Petitioner being husband of the complainant

is apprehending his arrest in a complaint case wherein
processes were directed to be issued after cognizance being
taken for the offences under Section 498A of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfilment for dowry demand.

The petitioner and complainant are present.

It is submitted on behalf of the petitioner that
petitioner filed Matrimonial Case No. 104 of 2014 for divorce on
13.05.2014 and thereafter the present complaint has been filed
on 23.06.2014. It is further submitted that marriage was never
consummated. Hence, there is no chance of reconciliation at
present. The complainant however is ready to resume the

conjugal life.

The marriage between the petitioner and the complainant having no issue is admitted fact.

In the alternative, the petitioner is ready to make payment of Rs. 1500/- to the complainant from June, 2015, by depositing the same in the bank account of the informant by second week of every consecutive month. The aforesaid offer is acceptable to the complainant who undertakes to supply her bank account number within a period of three weeks by submitting the same on affidavit before learned Court below.

Considering the present stand of the parties, filing of the matrimonial suit at earlier point of time, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, 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, Nawada in connection with Complaint Case No. 947 of 2014.

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

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate

application for cancellation of bail of the petitioner.

The present order in no way will preclude the parties to resolve the issue otherwise.

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(Dinesh Kumar Singh, J)