

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27594 of 2015**

Arising Out of PS.Case No. -184 Year- 2015 Thana -KHAZANIHAT District- PURNIA

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1. BIBHASH KUMAR PATHAK @ VIBHASH KUMAR PATHAK son of Mithilesh Kumar Pathak resident of Mohalla- Ram Nagar College Road, P.S.: K. Hat, District: Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Laxmi Pathak wife of Vibhash Kumar Pathak, D/o Late Jagarnath Jha, resident of Mohalla: Housing Colony, P.S. : K. Hat, District : Purnea.

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

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**Appearance :**

For the Petitioner/s : Mr. Sada Nand Ray  
For the Opposite Party/s : Mr. Zainul Abedin(App)

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**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 of the informant is apprehending arrest in a case registered for the offences punishable under sections 498-A, 307, 323, 313,504, 506, 354/34 of the Indian Penal Code and section 34 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 the petitioner filed Matrimonial Suit No. 295 of



2014 for divorce and after receiving notice in the aforesaid matrimonial suit, the present case has been lodged on 17.03.2015. The marriage between the petitioner and the informant having been performed on 15.12.2011 is an admitted fact. The learned court below made an attempt to reconcile the issue in the matrimonial suit but the same failed.

However, the petitioner is ready to make payment of Rs. 4000/- (Rupees four thousand) per month from September, 2015 to the informant by deposit in the Bank Account of the informant by the second week of every month.

Learned counsel for the informant on instruction submits that the informant is ready to accept the offer of the petitioner and she will supply the bank account number by submitting the same on affidavit before learned court below within a period of four weeks.

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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Hat P.S. Case No 184

of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The above payment shall be subject to any order being passed in the matrimonial, maintenance or any connected proceeding. In the event of failure in payment of the aforesaid amount to the informant on three consecutive occasions, the informant will be at liberty to file application for cancellation of bail of the petitioner. The present order will not, in any way, will preclude the parties to settle the issue otherwise.

**(Dinesh Kumar Singh, J)**

Amin/-

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