

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45221 of 2014

Arising Out of PS.Case No. -12 Year- 2014 Thana -MAHILA P.S. District- NAWADA

Rajesh Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-04-2015

Heard learned counsels for the petitioner 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/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of the dowry demand. The factum of marriage between the petitioner and opposite party no.2 and birth of male child are admitted facts.

Notices were issued to opposite party no.2 vide order dated 18.12.2014 on submission of learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with full dignity and honour.

The petitioner and the informant are present in the Court. The petitioner still stands with his undertaking earlier given

before this Court but the informant is not ready to accept the offer of the petitioner as she is apprehensive due to torture inflicted to her earlier. She also admits that she has filed Matrimonial Case No. 98 of 2014 before the Principal Judge, Family Court, Nawada for divorce.

In the circumstances, reconciliation is not feasible at present.

The petitioner is ready to pay ₹1,800/- per month to the informant from June, 2015 by depositing the same in the bank account of the informant by second week of every month.

The informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number to the petitioner within a period of two weeks by filing the same on affidavit before the learned court below.

Considering 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, Nawada in connection with Mahila Nawada P.S. Case No. 12 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, maintenance or any other proceeding.

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

The present order will not preclude the parties to reconcile the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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