

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32897 of 2015

Arising Out of PS.Case No. -184 Year- 2014 Thana -KHAIRA District- JAMUI

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Mukesh Kumar @ Mukesh Mandal Son of Indradeo Mandal R/o Village-
Mahuli, P.s -Khaira, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Bharti, D/o Manoj Mandal R/o village – Jamuniya Tand (Lagma)
P.S. + District – Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Prakash

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 30-11-2015

It is submitted by learned counsel for the petitioner that the petitioner filed matrimonial case on 30.08.2014 but in the order dated 12.08.2015 it has wrongly been recorded as 13.08.2014.

Let the date of filing of matrimonial case be read as 30.08.2014 instead of 13.08.2014.

The order dated 12.08.2015 is modified to the extent indicated above.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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



It is submitted by learned counsel for the petitioner that the petitioner and the informant got married on 27.04.2014. It is further submitted that the petitioner admits his married with the informant, but since the informant is not competent, hence, the petitioner filed Matrimonial Case No. 143 of 2014 on 30.08.2014 for annulment of the marriage and thereafter the present case was registered on 26.09.2014. At present the reconciliation of the issue is not feasible. However, the petitioner is ready to make payment of Rs.5,000/- per month from January, 2016 to the informant by depositing the same in her account by second week of every month.

Counsel for the informant submits that the informant is still ready to resume the conjugal life and ready to resolve the issue. In the alternative, the informant is also ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties and filing of matrimonial suit at earlier point of time, 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 learned Judicial Magistrate, Ist Class, Jamui in connection with Khaira P.S. Case No. 184 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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

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

(Dinesh Kumar Singh, J.)

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