

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34186 of 2011

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1. Sushil Kumar S/O Mahendra Singh R/O Village - Rupauli, P.S. Dumra, District – Sitamarhi		Petitioner
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Versus

1. The State Of Bihar		
2. Manisha Kumari, d/o Rajgir Singh, resident of village Parori, P.S. Sitamarhi, district Sitamarhi		Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Jha, Adv.
For the State	:	Mr. I.B.Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

7 20-01-2015

Heard the learned counsel for the appellant and the State.

This is a petition for grant of anticipatory bail for offence under Sections 498A/34 of the Penal Code and 3 and 4 of the Dowry Prohibition Act.

There is allegation of demand and subjecting cruelty. The anticipatory bail is pending since 2013 and order of stay has been granted. However, the learned counsel for the petitioner submits that even notice sent to opposite party no. 2 four times, but, the report has not been received.

Hence, having regard to the facts and circumstances of the case, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on **provisional anticipatory bail for four months** on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with the **Sitamarhi P.S. Case No. 78 of 2011** to the satisfaction of the **Chief Judicial Magistrate, Sitamarhi**, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code and subject to the

condition that the petitioner shall pay Rs.1000/- per month as maintenance till higher maintenance is decided by a competent Court.

The Court below shall issue notice to the wife and if the wife comes and receives maintenance, then, the trial Court shall take steps to compromise the case and if a compromise happens and girl went with the husband or in case the wife does not turns up for four months, after depositing the maintenance, then, the provisional anticipatory bail shall be confirmed by the Court below, itself, and the petitioner is not required to pay further maintenance and the petitioner may withdraw the deposited amount and the petitioner shall appear in the case as per the direction issued by the trial Court.

(Gopal Prasad, J)

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