

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39410 of 2015

Arising Out of PS.Case No. -923 Year- 2014 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Anand Mishra @ Om Shankar Mishra S/o Shashi Bhushan Mishra, resident of village- Nanpur, P.S.- Brahampur, District- Buxar, At present resident Behind of Kali Mandir Sarpur, Sarimpur Buxar, P.S.- Buxar (Town), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neetu Devi W/o Anand Mishra and D/o Rameshwar Choubey, Resident of Village- Parmanpur, P.S.- Newanagar, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary-1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 12-10-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. Earlier also a complaint with similar accusation was filed which ended into compromise,

subsequently again torture was inflicted.

The petitioner and the complainant are present.

Counsel for the petitioner submits that the petitioner admits his marriage and birth of a male child. Though, the petitioner has filed Matrimonial Suit No. 123 of 2015 for divorce but he is ready to withdraw the same and further ready to keep the complainant with full dignity and honour.

Counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner at present due to the past conduct of the petitioner, but she makes prayer for some monthly payment for the welfare of the child.

Counsel for the complainant submits that the petitioner is ready to pay Rs.1,500/- per month from November, 2015 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the complainant is ready accept the offer of the petitioner and undertakes to submit bank account on affidavit before the learned court below within a period of three 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 learned Sub-divisional Judicial Magistrate, Buxar in connection with Complaint Case No. 923(C) 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 any connected proceedings.

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