

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49375 of 2015

Arising Out of PS.Case No. -644 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Sujeet Kumar Singh @ Sujeet Kr. Singh, S/o Rajendra Prasad, resident of
village- Mauza Kohra, P.O.- Lagadharpur, P.S.- Newdiha, District- Jounpur
(U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi, W/o Sujeet Kumar Singh, D/o Lallan Singh, resident of
village- Muaza Kohra, P.O. Lagadharpur, P.S.- Newdiha, District-
Jounpur (U.P.) currently resident of village- Dhedua, P.S.-Chand,
District- Kaimur (Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Asha Devi(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 16-10-2015 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 341, 504, 406 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that marriage between petitioner and complainant was performed on 18.04.2012, but there is no child born out of



their wedlock. It is further submitted that the petitioner has filed Matrimonial Suit No. 209 of 2015 for divorce on 24.03.2015 and thereafter the present complaint case was filed on 28.05.2015, which is pending before the Principal Judge, Family Court, Jaunpur. The divorce case filed by the petitioner was at earlier point of time. Hence, reconciliation does not appear to be feasible at this venture. The petitioner is ready to pay Rs. 2,000/- per month from November, 2015 to the complainant by depositing the same in her account by second week of every month.

Considering the fact that the matrimonial case was lodged at earlier point of time by the petitioner and the stand of the petitioner, 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Kaimur at Bhabhua in connection with Complaint Case No. 644 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the complainant within a period of three weeks when it is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court

below within a period of three weeks. The aforesaid payment will be subject to any order being passed in matrimonial or maintenance 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 will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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