

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53476 of 2015

Arising Out of PS.Case No. -113 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

=====

1. Mukesh Kumar Singh @ Mukesh Singh @ Munna Singh son of Chandeshwari Singh, resident of village- Balihar, P.S.- Simri, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi D/o Ramayan Singh, resident of village- Chakawath, P.O.- Bahuaon, P.S.- Bihiyan, District- Bhojpur, Ara

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Opposite Party/s : Mr. Anil Kumar Singh-I(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-11-2015 Petitioner being husband of the informant apprehending his arrest in a case registered for the offences under Sections 323, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant on 27.05.2013 but the informant eloped with one Anand Kumar Singh on 16.06.2014 leading to filing of a complaint by the petitioner being Complaint Case No. 1372C of 2014 on 10.10.2014. The petitioner filed Matrimonial Suit No. 250 of 2014 with a prayer for divorce and thereafter the present complaint was filed on 18.02.2015.

It is submitted by learned counsel for the complainant that on the pretext of one way or the other the petitioner wants to divorce the informant.

However, petitioner is ready to make payment Rs. 1500/- to the informant from January, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month. The offer is acceptable to the informant who represents through her counsel who undertakes to supply her bank account number within a period of two weeks by filing the same on affidavit before learned Court below.

Considering the fact that matrimonial suit and the complaint were filed by the petitioner at earlier point of time and the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Bhojpur(Mahila) P.S. Case No. 113 of 2015.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate

application for cancellation of bail of the petitioner.

However, the present order will not preclude the parties to resolve the issue otherwise.

Shageer/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--