

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43095 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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Santosh Kumar Pandey @ Santosh Pandey

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Anita Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323, 498A, 354, 511 and 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. It is alleged against the elder brother of the petitioner Sanjay Pandey that he made attempt to outrage the modesty of the informant.

It is submitted by learned counsel for the petitioner that marriage between the petitioner and the complainant on 25.04.2008 is admitted. Initially the petitioner tried to resolve the issue but he could not succeed and thereafter he filed Matrimonial Suit No. 212 of 2014/301 of 2014 with a prayer for divorce on

28.10.2014 and thereafter the present FIR was lodged on 01.05.2015, hence at present reconciliation is not feasible. The petitioner is constable in Army and he is ready to make payment of ₹4,000/- per month to the informant from October, 2015 by depositing the same in the bank account of the informant by second week of every month.

Considering the filing of the matrimonial suit at earlier point of time and the present stand of the petitioner of making payment, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 49 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the informant within a period of three weeks when it is expected that the informant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below.

The aforesaid payment will be subject to any order

being passed in matrimonial or maintenance proceeding.

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

If the complainant failed to submit her bank account number or refuses to accept the payment then the aforesaid amount will be deposited before the learned court below which will be invested in some fix deposit scheme in connection with present case which will be subject to the result of the present case.

(Dinesh Kumar Singh, J)

Amrendra/-

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