

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27908 of 2014

Arising Out of PS.Case No. -859 Year- 2010 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Shailendra Mahto @ Shailendra Kumar Son of Sidheshwar Mahto
Resident of Village-Kolhua Paigampur, P.S.-Ahiyapur, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi Wife of Sallendra Mahto, Daughter of Raju Patel, Resident of
Village-Gannipur Bijla, P.S.-Sakra, District-Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

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

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

6 05-02-2015 Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture for non fulfillment of dowry demands.

In spite of valid service of notice, none is appearing for the complainant.

It is submitted on behalf of the petitioner that since the

complainant gave birth to a female child after two years of desertion, the chances of reconciliation are not feasible.

The factum of marriage between the petitioner and O.P. No. 2 is not in dispute. The petitioner is ready to pay Rs. 1,000/- per month to the complainant from March, 2015 by depositing the same in the bank account of the complainant by second week of every month.

Considering the stand of the petitioner and the fact that the complainant chose not to appear either before the learned court below or before this court, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, West, Muzaffarpur in connection with Complaint Case no. 859 of 2010 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 complainant within a period of three weeks when it is expected that the complainant 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. However, it is made clear that the petitioner will not make payment of the aforesaid amount when it is found in any proceeding that the petitioner is not the biological father of the child in question.

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

(Dinesh Kumar Singh, J)

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