

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7212 of 2015

Arising Out of PS.Case No. -152 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Raju Rajak S/o Krishna Rajak Resident of Village Paswaa, P.S. Daudnagar, District Aurangabad (Bihar).

.... Petitioner

Versus

1. The State of Bihar.
2. Simta Devi W/o Raju Rajak Resident of Village Paswaa, P.S. Daudnagar, District Aurangabad (Bihar). Presently residing at Village Aaganur, P.S. Kaler, District Arwal (Bihar).

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Mrigendra Kumar

For the Opposite Parties : Mr. Manish Kumar 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-05-2015 Petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Sections 494, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is torture for non-fulfilment of dowry demand and performing second marriage.

In pursuance to the order dated 03.03.2015 both the petitioner and the complainant are present.

The marriage between the petitioner and complainant and birth of a female child are admitted facts.

It is submitted by learned counsel for the petitioner that petitioner has performed second marriage when

the complainant deserted him. Though petitioner is ready to keep the complainant as wife with full dignity and honour but due to performance of second marriage the complainant is not ready to accept the offer of the petitioner.

In the alternative, the petitioner is ready to make payment of Rs. 1500/- to the complainant from June, 2015, by depositing the same in the bank account of the complainant by second week of every month. The aforesaid offer is acceptable to the complainant who undertakes to supply her bank account number within a period of three weeks by filing the same on affidavit before learned Court below.

Considering the present stand of the parties, 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 Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Complaint Case No. 152 of 2014.

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

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

application for cancellation of bail of the petitioner.

The present order, in no way will preclude the parties to resolve the issue otherwise.

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(Dinesh Kumar Singh, J)