

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11452 of 2015

Arising Out of PS.Case No. -2453 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

Vishal Kumar @ Guddu S/o Late Indra Mohan Prasad, Resident of
Mohalla- Thakuri Road, P.S.- Kishanganj, District- Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Richa Sah @ Richa Priya @ Guriya W/o Vishal Kumar, D/O Late
Binod Pd. Sah, Cinema Road, Gulab Bagh, P.S.- Sadar, District- Purnea

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Pramod Kr.Pandey(App)

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

03/ 03-09-2015

Heard learned counsels for the petitioner, State
and the complainant.

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

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

The petitioner and the complainant are present.
The marriage between the petitioner and the complainant on

12.05.2009 and birth of two children are admitted facts.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 145 of 2012 on 23.08.2012 wherein notices were issued to the complainant on 24.06.2013 and thereafter the present complaint was filed on 12.08.2013. In matrimonial suit an application for maintenance was filed wherein the learned Family Court ordered for payment of Rs.3,000/- as maintenance which the petitioner claims to be paying regularly.

It is submitted by learned counsel for the complainant that the complainant is still ready to resume the conjugal life and disputes the fact of regular maintenance as directed by the learned Family Court is being paid. The offer of the complainant is not accepted by the petitioner as the petitioner filed matrimonial suit at earlier point of time.

Considering the filing of the matrimonial suit prior to lodging of the complaint and the petitioner claims to be paying maintenance regularly as directed by learned Family Court, 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 Sub-divisional Judicial Magistrate, Purnea in connection with C.A. No. 2453 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on filing of the proof with regard to up-to-date payment of maintenance amount as directed by the learned Family Court.

(Dinesh Kumar Singh, J)

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