

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10001 of 2015

Arising Out of PS.Case No. -11 Year- 2014 Thana -MAHILA P.S. District- MUNGER

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1. Neeraj Mehta son of Umesh Mehta resident of village - Karhagola, P.O.
& Police Station - Katihar, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-04-2015 Heard learned counsel for the petitioner and the State.

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

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

It is submitted by the learned counsel for the petitioner that the petitioner has filed Matrimonial Suit No. 63212 of 2013 before the Tishazari Court, New Delhi, in which the informant has already entered appearance, thereafter the present case has been lodged in 2014. The marriage between



petitioner and informant having no issue is admitted fact. The Matrimonial Suit for divorce was filed by the petitioner for at earlier point of time. Hence, reconciliation does not appear to be feasible at this venture. The petitioner is ready to pay Rs.1,500/- per month from June 2015 to the informant by depositing the same in her account by second week of every month.

Considering the fact that the matrimonial suit was lodged at earlier point of time by the petitioner and the present stand of the petitioner, 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, Munger in connection with Mahila P.S. Case No. 11 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to serve a copy of the order to the informant within a period of three weeks when it is expected from the informant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks. The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

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

(Dinesh Kumar Singh, J)

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