

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6920 of 2015

Arising Out of PS.Case No. -990 Year- 2012 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Sanjeev Dubey @ Sanjay Dubey Son of Rajendra Dubey Resident of
Quarter No. G.D. 21/A , 3rd Unit Colony, D.T.P.S, D.V.C. Durgapur.
Permanant Resident of Village - Jokahi P.S. Bikaramganj District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh(App)

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

ORAL ORDER

4 04-05-2015

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.

On joint prayer of the parties, vide order dated 13.3.2015, the matter was referred to Mr. Om Prakash Pandey, an Advocate of this Court, for settling the issue in terms of permanent alimony.

It is submitted on behalf of the petitioner that the petitioner filed Matrimonial Suit No. 88 of 2011 on 21.3.2011 for divorce and thereafter the present complaint has been filed on 27.8.2012. It is further submitted that there is no chance of reconciliation of issue at present.

It appears that the issue could not be settled between the parties. However, the complainant is present and she is ready to resume the conjugal life and the grounds taken in the matrimonial suit for divorce was desertion but not maliciously the accusation of adultery is being levelled. Though the petitioner and the complainant are present in court but it appears that reconciliation is not feasible. Marriage between the petitioner and the complainant on 9.5.2003 having no issue is admitted fact.

The petitioner is ready to pay Rs.2,000/- per month to the complainant from June, 2015 by depositing the same in the bank account of the complainant by second week of every month. The offer is acceptable to the complainant who undertakes to supply her bank account number to the petitioner by filing the same on affidavit before the learned court below within two weeks.

Considering the stand of the parties, 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 Chief Judicial Magistrate, Bhabua (Kaimur) in connection with Complaint Case No. 990 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

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.

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

(Dinesh Kumar Singh, J)

Anil/-

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