

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29815 of 2015

Arising Out of PS.Case No. -28776 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Prakash Kumar S/o Raj Nandan Pd. Resident of Mohalla - Mainpura
Sidheshwar Nagar, P.S. Patliputra, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari D/o Shyam Kumar resident of Old Jakkanpur, Near
Khartali Mit, P.S. Gardanibagh, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. A.L.Pandit(App)

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

04/ 24-11-2015

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 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.

Notices were issued to the complainant on
submission of learned counsel for the petitioner that the

petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:- “That the petitioner is ready and willing to keep the complainant/opposite party no. 2 as his lawful wife and to bestow upon her all love and affection and to keep her with full dignity and honour.”

The petitioner and the complainant are present in the Court.

Counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner due to the past conduct of the petitioner.

However, it is submitted by learned counsel for the petitioner that the petitioner is ready to make payment of Rs.1500/- per month from January, 2016 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the offer of the petitioner is acceptable to the complainant and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna in connection with Complaint Case No. 28776 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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

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