

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31319 of 2015

Arising Out of PS.Case No. -152 Year- 2014 Thana -PHULPARAS District- MADHUBANI

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1. Surendra Kumar Yadav @ Surendra Yadav Son of Ram Kumar Yadav
Resident of Village -Gehum Bairiya, P.S. Phulparas, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Indu Devi Wife of Surendra Yadav Resident of Village -Gehum Bairiya,
P.S. Phulparas, District - Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-08-2015 Heard learned counsels for the petitioner and

the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A,323,342 and 374 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that since the petitioner has filed Matrimonial Suit No. 190 of 2014 for divorce, hence reconciliation is not feasible.



It is submitted by learned counsel for the informant that the informant only claims payment of maintenance amount as directed in Maintenance Case No. 163 of 2014 by the learned Principal Judge, Family Court, Madhubani as he same is not being paid by the petitioner. Learned counsel for the petitioner submits that the petitioner is ready to make payment of the maintenance amount as directed by the learned Principal Judge, Family Court, Madhubani.

Considering the fact that reconciliation is not feasible and the petitioner undertakes to make payment of maintenance amount to the informant, 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 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 SDJM, Jhanjharpur in connection with Phulparas P.S. Case No.152 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner will be accepted on submission of proof that the petitioner has

made up-to-date payment of maintenance amount as directed by the learned Principal Judge, Family Court, Madhubani. The informant will be at liberty to file application for cancellation of bail in case the petitioner defaults in making payment of maintenance amount on three consecutive occasions.



(Dinesh Kumar Singh, J)

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