

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44505 of 2015

Arising Out of PS.Case No. -1284 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Lokesh Pankaj

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case 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 Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child. The petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is always ready to keep the complainant with love and dignity”

It is further submitted that the petitioner filed Matrimonial Suit No. 132 of 2010 for restitution of conjugal life which has been allowed and the petitioner has filed execution case for executing the decree passed in matrimonial suit.

It is submitted by learned counsel for the complainant that since the petitioner used to do unnatural offence after taking liquor and he also misbehaved with the small daughter hence she is not ready to accept the offer of the petitioner.

In the alternative, the petitioner is ready to pay ₹2,500/- per month to the complainant from October, 2015 by depositing the same in the bank account of the complainant by second week of every month.

It is submitted by learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the alternative offer of the petitioner and also undertakes to supply her bank account number to the petitioner within a period of two weeks by submitting the same on affidavit before the learned court below.

Considering the stand of the petitioner, 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 ₹10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhagalpur in connection with Complaint Case No. 1284 of 2014, 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 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)

Amrendra/-

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