

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7335 of 2015

Arising Out of PS.Case No. -270 Year- 2014 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Manoj Kumar Son of Shri Bachu Das Resident of Magadh Colony Kurji
Town Patna, P.S. - Digha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari Wife of Manoj Kumar, D/o Baijnath Das Resident of
Mohalla - Bari dariyapur at Jamalpur, P.S. - Jamalpur Sadar, District -
Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Sinha

For the Opposite Party/s : Mr. Harendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

06/ 29-10-2015

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 3/4 of Dowry
Prohibition Act.

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

The petitioner and the complainant are present

in the Court.



Counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of two children (one male and one female). The petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:- *“That the petitioner further states that he had never tortured her wife and still ready to keep her with all her dignity. The complainant also is willing to live with the petitioner which will evident from a letter written by the complainant to her husband.”*

Counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner as she is apprehensive due to the past conduct of the petitioner. However, maintenance amount of Rs.5,000/- as awarded by the learned court below in Maintenance Case No. 77 of 2014 to the complainant and the children is not being paid whereas learned counsel for the petitioner submits that the petitioner has made up-to-date payment of the maintenance amount.

Considering the above facts, 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 Chief Judicial Magistrate, Munger in connection with Complaint Case No. 270(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on giving substantial proof with regard to the up-to-date payment of the maintenance amount as awarded by the learned court below.

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

(Dinesh Kumar Singh, J.)

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