

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44993 of 2014**

Arising Out of PS.Case No. -1815 Year- 2012 Thana -MADHUBANI COMPLAINT CASE District-  
MADHUBANI

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1. Daya Shanker Yadav Son of Dukhi Yadav, resident of Chakka, P.S.-  
Manigachhi, District- Darbhanga

.... .... Petitioner

Versus

1. The State of Bihar  
2. Mamata Devi Daughter of Vishwanath Yadav, resident of Village-  
Botari, P.S. Pandaull, District- Madhubani

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Gagan Deo Yadav

For the Opposite Parties : Mr. Ashraf Ansari(App)

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

4 19-05-2015

Petitioner being husband of the complainant

is apprehending his arrest in a complaint case wherein  
processes were directed to be issued after cognizance being  
taken for the offences under Sections 323, 379, 498A of the  
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

The notices were issued to the  
complainant/O.P. No. 2 vide order dated 18.12.2014 on  
submission of learned counsel for the petitioner that petitioner  
is ready to keep the complainant with dignity and honour. A  
statement to that effect has been made in para 10 of the  
petition which reads as follows:-

“That petitioner always ready to keep  
the complainant with all respect”



Learned counsel for the complainant submits that complainant is not ready to accept the offer of the petitioner due to the past conduct of the petitioner and complainant is only claiming the maintenance awarded by learned Principal Magistrate, Family Court, Madhubani vide order dated 06.08.2014 passed in M.R. Case No. 249 of 2012 wherein the interim maintenance of Rs. 1000/- per month to the complainant from the date of the order has been awarded. The complainant is not opposing the prayer for bail of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is ready to deposit the maintenance amount along with arrears as awarded by learned Principal Judge within a period of one month and will regularly make payment as per direction of the Court.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, 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, Madhubani in connection with Complaint Case No. 1815 of 2012.

The bail bonds of the petitioner shall be accepted on deposit of maintenance amount along with the

arrears by the petitioner as directed by learned Court below.

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

**(Dinesh Kumar Singh, J)**

Shageer/-

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