

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43459 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -GHOGHARDIHA District- MADHUBANI

Pankaj Kumar Jha @ Lal Jha

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha

For the Opposite Party/s : Mr. S.K. Pandey (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 379, 504, 506 and 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, administering some medicine and making attempt to kill the informant. The marriage between the petitioner and the informant and birth of female child are admitted.

It is submitted by learned counsel for the petitioner that no injury was caused to the informant and informant was mentally abraded and was under treatment. The petitioner filed Matrimonial Suit No. 232 of 2014 with a prayer for dissolution of marriage on

04.08.2014 wherein notices were issued and thereafter the present FIR was registered on 18.01.2015. Though, the informant has also filed Maintenance Case No. 13 of 2015.

The petitioner is ready to pay ₹2,000/- per month to the informant from October, 2015 by depositing the same in the bank account of the informant by second week of every month.

Considering the filing of matrimonial suit at earlier point of time and the present stand of the petitioner of making payment, 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, Jhanjharpur in connection with Ghoghardiha P.S. Case No. 11 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the informant within a period of three weeks when it is expected that the informant will supply her bank account number to the petitioner by submitting the same on affidavit before the learned court below.

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 informant to file an application for cancellation of bail of the petitioner.

If the informant fails to submits her bank account number or she refuses to accept the money then the above money will be deposited before the learned court below which will be invested in some fix deposit scheme in connection with present case which will be subject to the result of the present case.

(Dinesh Kumar Singh, J)

Amrendra/-

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