

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44369 of 2015

Arising Out of PS.Case No. -43 Year- 2015 Thana -BARHAT District- JAMUI

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Jitendra Kumar Choudhary

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Shailendra Kumar 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2015

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 498A, 323, 307 and 379 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand, making assault and dragging out the informant from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant in the year 2010. The petitioner filed Matrimonial suit No. 04 of 2015 on 06.01.2015 on the ground of adultery and thereafter the present case was registered on 05.07.2015, hence, at present the reconciliation is not feasible.

However, in the alternative, 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, though, statement to that effect has not been made in the petition.

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 Chief Judicial Magistrate, Jamui in connection with Barhat P.S. Case No. 43 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 filing 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 complainant fails to submit her bank account number or refuses to accept the offer of the petitioner then the aforesaid 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.

The present order will not preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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