

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49751 of 2014

Arising Out of PS.Case No. -2321 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT
District- WEST CHAMPARAN(BETTIAH)

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Rakesh Sah

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Shrivastava, Advocate.

For the Opposite Party : Mr. Ram Sewak Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2015

Heard learned counsels for the petitioner, complainant and learned A.P.P. for the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498(A) of the Indian Penal Code and 34 of the D. P. Act.

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

On instruction, it is submitted by learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour and a statement to that effect has been made in paragraph no. 14 of the petition which reads as follows:-

"14. That the petitioner is always ready to keep the complainant with full honour and dignity."

The offer of the petitioner is not acceptable to the learned counsel appearing for the complainant.

Petitioner is ready to make payment of Rs. 1,000/- per month to the complainant from March, 2015 by depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant undertakes to supply the bank account number of the complainant by filing the same on affidavit within a period of three weeks before the learned court below.

Considering the present stand of the parties, let the petitioner, above named, be released on bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today in connection with Tr. No. 827 of 2012, arising out of Complaint Case No. 2321(C) of 2011 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The aforesaid payment will be subject to any

order being passed in matrimonial or maintenance proceedings.

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

U.K./-

(Dinesh Kumar Singh, J)

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