

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29934 of 2015

Arising Out of PS.Case No. -65 Year- 2015 Thana -CHANDAULI District- GAYA

1. Rajesh Kumar @ Rajesh Prasad S/o Suresh Prasad, R/o Vill. - Dugdha D.C.W., P.S. - Dugdha, District - Bokaro (Jharkhand). Presently residing at Vill. + P.S. - Delha, District - Gaya (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sweety rani, W/o Rajesh Kumar @ Rajesh Prasad, D/o Late Yugal Kishore Prasad, R/o Vill., Kujami, P.S. - Chandauti, District - Gaya.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar
For the Opposite Party/s : Mr. A.L.Pandit(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323,307 and 498A/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and making assault.

The petitioner and the informant are present. Though the informant is ready to resume the conjugal life but



the petitioner is not ready to accept the offer due to past conduct of the informant. It is submitted by the learned counsel for the petitioner that the marriage between the petitioner and the informant on 17.11.2013 is admitted. There is no issue out of the wedlock. It is further submitted that due to apathetic attitude of the informant and her family members the petitioner filed Matrimonial Suit No. 81 of 2015 for divorce on 11.3.2015 and thereafter the present FIR was registered on 6.4.2015. However, the petitioner is ready to make payment of Rs.5000/- per month to the informant from September, 2015 by depositing the same in the bank account of the informant by second week of every month.

Learned counsel for the informant submits that the informant is still ready to resume the conjugal life but on one pretext or the other the petitioner does not want to keep the informant as wife. The reconciliation before the learned Sessions judge failed due to apathetic attitude of the petitioner. Learned counsel for the informant is not ready to accept the offer of the petitioner of payment of monthly amount as the informant is only agreeable to resumption of conjugal life.

Considering the matrimonial suit filed by the



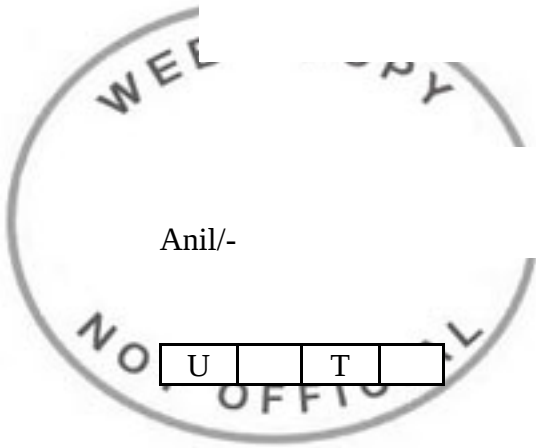
petitioner at earlier point of time and the present stand of the petitioner to make payment of Rs.5000/- per month to the informant from September, 2015, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of 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 CJM, Gaya in connection with Chandauli P.S. Case No. 65 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the offered amount by the petitioner be deposited before the learned court below which will be invested in some fixed deposit scheme which will be subject to the result of the case. The informant will be at liberty to withdraw the said amount. If she files such application, the learned court below will release the said amount in favour of the informant.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding. Three consecutive defaults in payment will give liberty to the learned court below to cancel the bail bonds of the petitioner.

The present order will not, in any way,

preclude the parties to resolve the issue otherwise.



Anil/-

U		T	
---	--	---	--

(Dinesh Kumar Singh, J)