

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34718 of 2015

Arising Out of PS.Case No. -27770 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Ravindra Kumar @ Ravindra Kr. Sah son of Kanhaiya Sao resident of Karpuri Asthan Chhati Road, Begusarai, P.O. - Suhind Nagar, P.S. Town Thana Begusarai, District - Begusarai, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bharti Devi wife of Ravindra Kumar @ Ravindra Kr. Sah and daughter of Rameshwar Prasad presently residing at Bakarganj, Daldali Road, near Dizal Chakki, P.O. - Bankipur, P.S. - Kadamkuan, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay
For the Opposite Party/s : Mr. Ganesh Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-12-2015 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 Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

In pursuance to the order dated 17.08.2015, the petitioner and the complainant are present in Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and is ready to keep the complainant with full dignity and honour. A statement to that effect has been made

in para 8 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour and never demanded any type of dowry either from complainant or from her family members and it is the complainant who herself do not want to live with the petitioner.”

It is submitted by learned counsel for the complainant that since petitioner is impotent, hence complainant is not ready to accept the offer of the petitioner.

It is submitted by learned counsel for the petitioner that in the Women Commission the complainant alleged that petitioner is mentally abraized and in the present complaint she alleged that petitioner is impotent which is being denied by the petitioner.

In the alternative, petitioner is ready to make payment Rs. 1000/- to the complainant from January, 2016, by depositing the same in the bank account of the complainant by second week of every month. The complainant undertakes to supply her bank account number within a period of three weeks by submitting the same on affidavit before learned Court below

Considering the present stand of the petitioner, 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, Patna in connection with Complaint Case No. 27770(C) of 2014.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance proceeding.

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

The present order will no way preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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