

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38220 of 2015

Arising Out of PS.Case No. -62 Year- 2015 Thana -BELHAR District- BANKA

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1. Gopal Kumar @ Gautam Kumar, Son of Satya Narayan Singh.
 2. Satya Narayan Singh son of late Dev Narayan Singh. Both resident of village- Baghouniya, P.S. Belhar, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nilam Kumari daughter of Hari Kishore Prasad Singh, resident of village- Devandih, P.S. Belhar, District- Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-12-2015 Heard learned counsels for the petitioners, informant and the State.

The petitioner no. 1 being husband of the informant and petitioner no. 2 being father of petitioner no. 1 are apprehending arrest in a case registered for the offences punishable under Sections 420,498A and 354/34 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.

The petitioner and the informant are present in court.

It is submitted by the learned counsel for the petitioner

that the petitioner no. 1 admits his marriage with the informant and is ready to keep the informant as wife with due dignity and honour. Statement to that effect is made in paragraph 7 of the petition which reads as follows:

“That petitioner no. 1 happens to be husband of the informant and is ready to keep her with full dignity and honour and petitioner no. 2 happens to be father in law of the informant and is every time ready to make their relation in good ceremony.”

Learned counsel for the informant submits that the informant is not ready to accept the offer since petitioner no. 1 is an impotent person and has cheated the informant.

In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2000/- per month from January, 2016 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Though the issue is not likely to be resolved in the present proceeding but considering the present stand of the petitioner, 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 SDJM, Banka in connection with Belhar P.S. Case No.62 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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.

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

(Dinesh Kumar Singh, J)

Anil/-

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