

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52478 of 2015

Arising Out of PS.Case No. -278 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

1. Ritesh Kumar Prasad @ Tinku, son of Raweesh Kumar Prasad @ Bade Lal @ Rakesh Kumar Prasad @ Bade Lal, resident of Mohalla-Sant Sah Deo English School, P.S.-Arrah Town, District-Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Wandana Devi @ Chandana Devi @ Baby Devi, wife of Ritesh Kumar Prasad @ Tinku, resident of Village-Chourai, P.S.-Udwant Nagar, District-Bhojpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s : Mr. Dr. Indihar Kumari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2015 Petitioner being husband of the informant apprehending his arrest in a case registered for the offences under Sections 323, 379, 498A, 504, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and is ready to keep the informant with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That it is humbly submitted that the petitioner is ready to keep his wife with full dignity and honour.”

It is further submitted that similar was the stand before learned Court below but the informant refused to reside with the petitioner which gets reflected from the impugned order.

In the alternative, petitioner is ready to make payment Rs. 1000/- to the informant from December, 2015, by depositing the same in the bank account of the informant by second week of every month.

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 Chief Judicial Magistrate, Bhojpur at Arrah in connection with Ara Town P.S. Case No. 278 of 2015.

The petitioner undertakes to supply the order of this order to the informant within a period of two weeks when it is expected from the informant to supply her bank account number within a period of three weeks thereafter by filing the same on affidavit before learned Court below. If the informant fails to submit such affidavit then the aforesaid payment will be deposited before learned Court below which will be invested in some fixed deposit scheme which will be subject to the result of the case.

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 informant to file appropriate application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

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