

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30242 of 2015

Arising Out of PS.Case No. -513 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

1. Sanjay Kumar @ Sanjay Kumar Gupta Son of Rajendra Prasad Gupta
Resident of Village Banki Mongra, Police Station Banki Mongra, District
Korba(Chhattisgarh)

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam kumari Daughter of Anil Choudhary Resident of Village Abhiya
Bazar, Police Station Gopalpur District Bhagalpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Ashraf Ansari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 29-01-2016 Heard learned counsel for the petitioner and the
State.

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

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

It is submitted by the learned counsel for the
petitioner that petitioner marriage with the informant after
death of his first wife with whom there are two children. The
informant was also married from before and concealing the first
marriage and married with the petitioner and now the first

husband of the informant is dead. The informant is not ready to accept the children of the petitioner from his first wife, as a result the reconciliation is not feasible at present.

Learned counsel for the informant submits that the informant is ready to reconcile the issue.

However, counsel for the petitioner submits that the petitioner is ready to make payment of Rs. 3,000/- per month from March 2016 to the informant by depositing the same in her account by second week of every month.

Learned counsel for the informant submits that informant is ready to accept the offer and submit her Bank Account Number within a period of three weeks.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Naugachia in connection with Gopalpur P.S. Case No. 513 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the informant within a period of three weeks when it is expected from the informant to submit the bank account number by filing the same on affidavit before the learned court

below within a period of three weeks.

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

It is expected from the petitioner to appear in the maintenance proceedings positively on the next date fixed in the maintenance proceeding.

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

(Dinesh Kumar Singh, J)

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