

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9163 of 2016

Arising Out of PS.Case No. -2221 Year- 2012 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Arvind Kumar Singh Son of Rajbansh Singh resident of village - Silota,
P.S. Sonhan, Post Khaira, District - Kaimur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rimpi Devi D/o Late Kapil Dev Singh resident of village + P.O. Lahang
Dumariya, P.S. Bihiya, District - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

6 15-11-2016 Heard learned counsel for the petitioner and the
complainant.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 379 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 learned counsel for the petitioner that petitioner admits his marriage with the complainant, but the petitioner filed Matrimonial Suit No. 138 of 2012 on



29.10.2012 with a prayer for divorce, thereafter the present complaint was filed on 20.07.2013. It is further submitted that in pursuance to order dated 05.08.2016 passed by the learned Principal Judge, Family Court, Bhojpur at Ara in Maintenance Case No. 59 of 2013, whereby the petitioner was directed to make payment of maintenance amount of Rs.8,000/- per month from the date of order i.e. 05.08.2016 per month and Rs.20,000/- as lump sum amount as litigation costs. The petitioner has already deposited Rs. 44,000/- before the learned court below and the said amount has already been received by the complainant. Learned counsel further submits that petitioner undertakes that he will regularly deposit maintenance amount as directed by the learned Principal Judge, Family Court, Bhojpur at Ara.

Learned counsel for the complainant submits that complaint admits that she has received Rs. 44,000/- in pursuance to the order passed by the learned court below in maintenance proceeding, but she is apprehensive about the regular payment of the maintenance amount by the petitioner. Moreover, the complainant is still ready to resume the conjugal life.

Considering the filing of Matrimonial Suit with a prayer for divorce at earlier point of time and the petitioner's undertaking to make payment of maintenance amount regularly, 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, Ara, Bhojpur in connection with Complaint Case No. Mokam Ara Bhojpur C.R. No. 2221 of 2012 (C), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

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

(Dinesh Kumar Singh, J)

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