

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4760 of 2016

Arising Out of PS.Case No. -795 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Abhishek Kumar @ Abhishek Son of Kailash Bihari Sah, Resident of
Village -Shiv Narayanpur, P.S. - Kahalgaon (Shivnarayanpur), District -
Bhagalpur at present residing at Sainik Colony, Dumardagga, P.S. Sadar,
District - Ranchi (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. Sima Kumari, W/o Abhishek Kumar, D/o Chhedi Prasad Sah, Resident
of Mohalla - GurhattaChowk, P.S. - Mojahidpur, District - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 17-05-2016 Heard learned counsels for the petitioner and the
State.

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 of the Indian Penal Code and 4 of Dowry
Prohibition Act.

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

The petitioner and the complainant are present

in the Court.

The marriage between the petitioner and the complainant and birth of a male child are admitted facts.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child but the complainant deserted the petitioner due to ability of the petitioner, hence, petitioner filed a matrimonial suit with a prayer for divorce and thereafter the present complaint has been filed.

It is submitted by learned counsel for the complainant that the complainant never deserted the petitioner and she is still ready to resume the conjugal life.

However, it is submitted by learned counsel for the petitioner that, in alternative, the petitioner is ready to make payment of Rs.2,000/- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 795 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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

(Dinesh Kumar Singh, J.)

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