

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7056 of 2016

Arising Out of PS.Case No. -76 Year- 2015 Thana -CHANAN District- BANKA

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Kamlesh Pandey, Son of Gyan Chandra Pandey, Resident of Village-
Bakaspura (Baghmara), P.S. Baghmara, District- Dhanbad (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. Nisha Rashmi, D/o Chandra Mohan Pandey, R/o village – Chandan,
P.S. Chandan, District – Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh

For the Opposite Party/s : Mr. C. Jawahar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 04-08-2016

Heard learned counsels 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 379, 498A of the Indian Penal Code and 3/4 of 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 the petitioner admits his marriage with the informant, but, in fact, the informant herself deserted the petitioner, hence, petitioner filed Matrimonial Suit No. 120 of 2013 on 12.03.2013 with a prayer for divorce wherein the

informant appeared and filed written statement on 09.01.2014 and thereafter the present FIR was filed on 16.07.2015. The matrimonial suit is on the verge of conclusion. In the circumstances, the petitioner is not ready to keep the informant but the petitioner is ready to make payment of Rs.6,000/- per month from September, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant is ready to resume the conjugal life. However, at present the informant is ready to accept the offer of payment made by petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of two weeks.

Considering the filing of matrimonial suit at earlier point of time and 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 Chief Judicial Magistrate, Banka in connection with Chandan P.S. Case No.



76 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned 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 informant 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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