

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2850 of 2016

Arising Out of PS.Case No. -1161 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Deepak Kumar @ Deepak Sah Son of Sri Shankar Sah, Resident of
Village - Khudhnu (Baradhi), P.O. - Belwan, P.S. - Agarar, District -
Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Devi, Wife of Deepak Kumar and Daughter of Mangar Sah,
Resident of Village - Raypurchor, P.S. - Sheosagar (Saddi), District -
Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-08-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code and 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 complainant but after marriage the petitioner came to know that complainant is unable to conceive as the ultrasound report as contained in Annexure-2 reflects abnormal size of both the ovaries and the abnormalities in the uterus. In the

circumstance, the petitioner is not ready to keep the complainant and claims that a sanha was lodged at earlier point of time.

It is submitted by learned counsel for the complainant that in spite of abnormalities the complainant is ready to resume the conjugal life.

In the alternative, petitioner is ready to make payment of Rs. 2000/- to the complainant from October, 2016, by depositing the same in the bank account of the complainant by second week of every consecutive month.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the parties, 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 Sub-Divisional Judicial Magistrate, Sasaram, Rohtas in connection with Complaint Case No. 1161 of 2014.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

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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