

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17751 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -PANDAU District- MADHUBANI

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1. Shambhu Mishra @ Shambhu Mishra @ Shambhu Kr. Mishra S/o Amrendra Mishra Resident of Bhitthi Salampur, P.O. Salampur, P.S. Pandaul, Distt- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajani Mishra W/o Shambhu Kumar Mishra, D/o Ugrakant Jha Resident of Bhitthi Salampur, P.O. Salampur, P.S. Pandaul, Distt- Madhubani. A/p Indrapuri Road No.2A House No.35 Text Book Colony, P.S. Patliputra Distt- Patna.

.... Opposite Party/s

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with

Criminal Miscellaneous No.20163 of 2016

Arising Out of PS.Case No. -196 Year- 2015 Thana -PATLIPUTRA District- PATNA

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1. Shambhu Kumar Mishra @ Shambhu Mishra @ Shambhu Kr Mishra @ Shambhu Kumar s/o Amrendra Mishra, Resident of Bhatti Salampur, P.O. Salampur P.S. Pandaul, Distt.- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajani Mishra W/o Shambhu Kumar Mishra @ Shambhu Mishra @ Shambhu Kr Mishra D/o Ugrakant Jha resident of Bhatti Salampur, P.O. Salampur, P.O.- Salampur, P.S. Pandaul, Distt- Madhubani. A/p - Indrapuri, Road - 2A H Ouse no. 35 Text Book Colony, P.S. Pataliputra, Distt. Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.17751 of 2016)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Md.Ansarul Haque (App)

(In Cr.Misc. No.20163 of 2016)

For the Petitioner/s : Mr. Mira Kumari

For the Opposite Party/s : Mr. Mustaque Alam (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 06-10-2016

The petitioner, in both the criminal miscellaneous applications, is the husband of the informant, Rajani Mishra who apprehends his arrest in the cases registered for the offences under Sections 341, 323, 504, 506,

379, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and under Sections 498A/34 of the Indian Penal Code and ¾ 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 informant and birth of two children. The petitioner is ready to keep the informant and children with full dignity and honour. A statement to that effect has been made in para 13 and 10 of the petitions which reads as follows:-

“That the petitioner who is the husband of the informant is a private guard and getting only 6000/- per month and he is unable to live at Patna Town with opposite party No. 2 with two children, however he is ready to keep her wife with full dignity and honour at village home.”

It is submitted by learned counsel for the informant that informant is not ready to accept the offer of the petitioner since she is apprehensive due to the past conduct of the petitioner.

It is further submitted by learned counsel for the petitioner that in the alternative, petitioner is ready to make payment of Rs. 2500/- per month to the informant from November, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month.

It is submitted by learned counsel for the informant that informant 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 Chief Judicial Magistrate, Madhubani/Judicial Magistrate, 1st Class, Patna in connection with Pandaul P.S. Case No. 03 of 2016/Patliputra P.S. Case No. 196 of 2015.

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 informant 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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