

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18444 of 2016

Arising Out of PS.Case No. -287 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Mantu Yadav S/o- Shiveshwar Yadav, Resident of village- Mirchai
Bari, Tola Damgada, P.S.- Janki Nagar, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Tuna Devi W/o- Mantu Yadav, D/o- Late Narayan Yadav, resident of
village- Besadh, P.S.- Kumarkhand, District- Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. A.K.Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 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 Sections 494, 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 and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and is ready to keep the complainant with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner

is always ready to keep the

complainant(wife) with full respect and dignity.”

It is submitted by learned counsel for the complainant that complainant is not ready to accept the offer of the petitioner since petitioner has performed second marriage.

In the alternative, petitioner is ready to make payment of Rs. 3000/- per month 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, Madhepura in connection with Complaint Case No. 287 of 2013.

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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