

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20611 of 2016**

Arising Out of Complaint Case No. -2825 Year- 2008 Thana -WEST CHAMPARAN COMPLAINT  
District- WESTCHAMPARAN(BETTIAH)

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Bullu Hazra S/o Bhola Hazra

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Hewanti Devi D/o Bharat Paswan

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate  
For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

5      08-08-2016                      Heard learned counsels for the petitioner, complainant  
and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child from the wedlock. The petitioner is ready to keep the complainant as wife with full honour and dignity. A statement to that effect has been made in paragraph 6 of the petition, which

reads as under:-

*"That the petitioner is husband of the complainant and he is ready to keep her with due dignity and honour."*

It is submitted by learned counsel for the complainant that the complainant has doubt that the petitioner has performed second marriage, hence, she is not ready to live with him, though no allegation to that effect has been made in the complaint.

It is further submitted that in alternative the petitioner is ready to make payment of Rs. 2,000/- per month to the complainant from September, 2016 by depositing the same in the bank account of the complainant by second week of every succeeding month.

The counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned SDJM, Bettiah, West Champaran,  
in connection with Complaint Case No.2825-C/2008, subject to  
the conditions as laid down under Section 438(2) Cr.P.C.

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

Three consecutive defaults in making payment by the  
petitioner will give liberty to the complainant to file an application  
for cancellation of bail of the petitioner.

The present order will not preclude the parties to  
reconcile the issues otherwise.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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