

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23388 of 2016

Arising Out of PS.Case No. -3157 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

Nilmani Singh Son of Late Bibhuti Bhushan Singh resident of Mission
Compound Dahiyawan, Police Station Chapra Town, District - Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Kumari @ Babita Singh wife of Nilmani Singh, daughter of Shri Ram Kripal Sharma resident of Mission Compound Dahiyawan, Police Station Chapra Town, District - Saran (Chapra) at present resident of village - Tankuppa, P.O. + Police Station Konch, District - Gaya

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 24-05-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 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 complainant and birth of a child but the petitioner filed Matrimonial Suit No. 192 of 2014 with a prayer for divorce on 12.06.2014 whereas the present complaint has been filed on 21.10.2014. However, the petitioner is ready to make payment of Rs.2,000/- per month from July, 2016 to the complainant by depositing the same in her account by second week of every month.

Considering the filing of matrimonial suit at earlier point of time and the stand of the petitioner, 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 Sub-divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 3157 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner undertakes to serve a copy of this order upon the complainant within a period of three weeks from today when it is expected that the complainant will submit the



bank account number by filing the same on affidavit before the learned court below. If the complainant fails to submit the bank account number to receive the aforesaid amount then the same will be deposited in the learned court below which will be subject to the result of the case.

The present 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 complainant 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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