

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24684 of 2016

Arising Out of PS.Case No. -2033 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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Kamal Kumar @ Kamal Kumar Thakur, son of Sri Surya Nath Thakur,
resident of Mohalla-H.E.C Colony, Sector-2, Quarter No. CD133, P.S.-
Jagarnathpur, District-Ranchi(Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Shree, daughter of Late Ram Bilash Das, resident of Village-
Pawaidih, P.S.-Amarpur, District-Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Dinesh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-10-2016 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 Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner performed inter caste love marriage with the complainant, hence the accusation of demand of dowry appears to be unreasonable. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 14 of the

petition which reads as follows:-

“That in spite of above,
petitioner is always ready to have complainant
with full dignity and honour.”

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

It is submitted by learned counsel for the petitioner that in the alternative, petitioner is ready to make payment of Rs. 2200/- per month to the complainant from December, 2016, by depositing the same in the bank account of the complainant by second week of every succeeding 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 four weeks.

Considering the present stand of the parties with lacking hope that the issue will be resolved in future, 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, Banka in connection with Complaint Case No. 2033 of 2014.

The above mentioned 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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