

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34634 of 2015

Arising Out of PS.Case No. -582 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Mukesh Bind Son of Sudama Bind Resident of Village - Larma P.S. -
Durgawati, District - Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Devi wife of Mukesh Bind, Daughter of Nagina Bind At present -
Resident of Village - Sahuka, P.S. - Ramgarh, District - Kaimur (Bhabua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. U.L.Verma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

6 02-05-2016 Heard learned counsel for the petitioner and the
State.

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

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

The petitioner and complainant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the



complainant and birth of two children. The complainant earlier filed Complaint Case No. 964 of 2012, but the said complaint was dismissed on the application of the complainant that she wants to reside with the petitioner, thereafter the present complaint was filed. It is further submitted that Matrimonial Case No. 97 of 2013 with a prayer for divorce was filed and thereafter the present complaint has been filed. The petitioner is a handicapped person.

It is jointly submitted that both sides are not ready to resume the conjugal rights.

Learned counsel for the complainant submits that if the payment of Rs. 2,000/- per month is being paid, then the complainant is not opposing the prayer for bail.

It is submitted by the learned counsel for the petitioner that petitioner is only able to make payment of Rs. 1700/- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that complainant is ready to accept the offer and undertakes to submit her Bank Account Number within a period of four weeks. Moreover the complainant is not opposing the prayer for bail of the petitioner.

Considering the present stand of the parties, 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kaimur (Bhabua) in connection with Complaint Case No. 582 of 2013, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the complainant within a period of four weeks when it is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of four weeks.

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