

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34694 of 2015

Arising Out of PS.Case No. -426 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Ravi Shankar Mishra Son of Vinod Kumar Mishra Resident of Village
Kalyanpur, P.S. Bibhutipur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ritu Kumari Daughter of Dhirendra Kumar Chaudhary and wife of (2nd)
of Ravi Shankar Mishra Resident of village - Pachpaika Post Pachpaika P.S.
Ujiarpur, District - Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Pradeep Nr. Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

07/ 21-01-2016

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.

Counsel for the petitioner submits that the

petitioner admits his marriage with the complainant

The matter was referred to the Mediation Centre on joint prayer of the parties but it appears that the issue could not be reconciled. It appears that the reconciliation failed on the quantum of permanent alimony.

Counsel for the petitioner submits that the petitioner has performed second marriage. It is further submitted that the petitioner filed Matrimonial Suit No. 234 of 2014 on 19.08.2014 for annulment of the marriage and thereafter the present complaint was filed on 01.09.2014. In the circumstances, reconciliation does not appear to be feasible.

However, the petitioner is ready to make payment of Rs.2,000/- per month from March, 2016 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the petitioner complainant accepts 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 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Dalsingsarai, District – Samastipur in connection with Complaint Case No. 426 of 2014 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned 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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