

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39811 of 2015

Arising Out of PS.Case No. -133 Year- 2015 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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1. Gulshan Kumar, son of Sri Krishna Prasad, resident of Mohalla-
Jhanjhari Gali, Bandhan Rambadani Path, P.S.- Jhumri Telaiya, District-
Kodarma

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Sarika wife of Gulshan Kumar, Daughter of Sri Suresh Prasad,
resident of village- Durgapur, P.S. Giriyak, District- Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra
For the Opposite Party/s : Mr. Rajendra Prasad Nat (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 08-08-2016 The petitioner being husband of the

informant is apprehending his arrest in a case registered for
the offences under Sections 498A, 379, 323, 324, 307/34 of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
informant. The informant in paragraph No. 1 of the present
complaint as well as in the earlier complaint being Complaint
Case No. 108(C) of 2014 admitted that this is her second
marriage with the petitioner. The complainant earlier filed
Complaint Case No. 108(C) of 2014 on 19.06.2014 which is

pending under enquiry, whereas the present case was initiated through Complaint Case No. 675(C) of 2015 on 12.06.2015 which came to be registered as Giriyak P.S. Case No. 133 of 2015 on 20.06.2015 though petitioner filed Matrimonial Suit No. 30 of 2015 on 17.06.2015 with a prayer for divorce. Hence, matrimonial suit was filed before registration of the police case. The investigation has concluded and the petitioner is not in a position to keep the informant at present.

In the alternative, petitioner is ready to make payment of Rs. 4000/- per month to the informant from September, 2016, by depositing the same in the bank account of the informant by second week of every month.

It is submitted by learned counsel for the informant that statement with regard to the second marriage in both the complaint petitions was inadvertently made and miscellaneous application was filed before learned Court below for correction of the same. The informant is ready to resume the conjugal life. However, the informant, at present is ready to accept the offer of the petitioner and undertakes to submit the bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the parties, 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 Judicial Magistrate, 1st Class, Nalanda at Biharsharif in connection with Giriyak P.S. Case No. 133 of 2015.

The above 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 informant 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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