

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43889 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -BARURAJ District- MUZAFFARPUR

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1. SANJAY KUMAR MAHTO Son of Sukdeo Mahto, Resident of Village - Narwara, Birbaliya, P.S. - Baruraj, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Metar Devi, Wife of Sanjay Kumar Mahato, Resident of Village - Narwara, Birbaliya, P.S. - Baruraj, District - Muzaffarpur, at present reside at Daughter of Ganga Mahato, resident of village - Kudiya, P.O. + P.s. - Kathaiya, District - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. A.M.P. Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 06-09-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand after thirteen years of marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and is ready to keep the informant with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That it is relevant to

state that the petitioner is ready to keep

informant with proper respect and lead happy family life.”

It is submitted by learned counsel for the informant that since the petitioner has performed second marriage, hence the informant is not ready to accept the offer of the petitioner. However, the informant is ready to accept the alternative offer of payment made by the petitioner of Rs. 1,00,000/- as one time settlement amount within a period of five months. Hence, the informant is not opposing the prayer for bail of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner undertakes that out of Rs. 1,00,000/- the petitioner will deposit Rs. 25,000/- on the date of execution of bail bonds before learned Court below which will be released by learned Court below in favour of the informant and further undertakes to deposit rest amount of Rs. 75,000/- in three installments before learned Court below. The first installment will be deposited on or before 23rd of October, 2016, the second installment will be deposited on or before 11th of December, 2016 and the third installment will be deposited on or before 4th of January, 2017 before learned Court below which will be released in favour of the informant.

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 provisional anticipatory bail for five months, 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, West, Muzaffarpur in connection with Baruraj P.S. Case No. 36 of 2015.

The provisional bail of the petitioner will be confirmed by learned Court below on deposit of Rs. 1,00,000/- by the petitioner before learned Court below within a period of five months.

(Dinesh Kumar Singh, J)

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