

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25711 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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1. Manish Singh @ Manish Kumar Singh, son of Tej Bahadur Singh,
resident of House no. 1/129-1, Gilat Bazar, P.S. Shivpur, District-
Varanasi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-10-2016

The matter has been listed under the heading “For Orders(on office note) awaiting the service report of the notices issued to O.P. No. 2 but since the petitioner and the O.P. No. 2 has appeared before this Court, hence the matter is being taken up on merits.

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 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant having no issue. The petitioner was deserted by the informant, hence the petitioner filed Matrimonial Suit No. 855 of 2013 for the restitution of conjugal life and thereafter the

present F.I.R was registered. Though the petitioner has also filed Matrimonial Suit No. 267 of 2016 with a prayer for divorce. The petitioner at present is ready to withdraw the matrimonial suit and keep the informant as wife with full dignity and honour, though the statement to that effect has not been made in the petition.

It is submitted by learned counsel for the informant that informant is not ready to accept the offer of the petitioner of resuming the conjugal life as she is apprehensive due to the past conduct of the petitioner.

It is further submitted that in the alternative, the petitioner is ready to make payment of Rs. 5000/- per month to the informant from November, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month.

It is submitted by learned counsel for the informant that informant 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 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua Mahila P.S. Case No. 10 of 2016.

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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