

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49721 of 2014

Arising Out of PS.Case No. -1639 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Lal Kishore Mandal son of Late Bhola Mandal Resident of village
Bhandari, P.S. Belsand, District- Sitamarhi.

.... Petitioner/s

Versus

1. State of Bihar
2. Rinki Devi wife of Lal Kishor Mandal and daughter of Arjun Mandal
Resident of village- Dumharpatti , P.S. Pupri , District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Nirmal Kr. Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

13 19-09-2016

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

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

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant but the petitioner has filed informatory petition No. 31 of 2012 on 27.04.2012 and thereafter Complaint Case No. 1480 of 2013 was filed on 26.08.2013 which ultimately



came to be registered as Belsand P.S. Case No. 109 of 2013 under Sections 147, 323, 354, 380, 379/34 of the Indian Penal Code. Hence, in the aforesaid background the petitioner is apprehensive in getting the complainant with him at present. However, the petitioner volunteered to make payment of Rs. 750/- per month in a quashing application preferred before this Court vide Cr. Misc. No. 44455 of 2014 and is making payment of the said amount. The petitioner, at present is also ready to make payment of Rs. 4000/- per month which includes Rs. 750/- to the complainant from November, 2016, by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that complainant is ready to resume the conjugal life. The petitioner deliberately took adjournments since last one year in order not to reconcile the issue. However, the complainant is ready to accept the offer of payment and undertakes to submit her bank account number by submitting the same on affidavit before learned Court below within a period of two weeks.

Considering the filing of criminal case by the petitioner at earlier point of time and 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 Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Trial No. 3587 of 2014, arising out of Complaint Case No. C-1/1639 of 2013.

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 complainant 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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