

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51220 of 2015

Arising Out of PS.Case No. -278 Year- 2015 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

1. Niraj Kumar Verma S/o Arun Prasad Verma, R/o Janakpuri (Vilasi Town), P.O., P.S. & District- Deoghar (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.51257 of 2015

Arising Out of PS.Case No. -278 Year- 2015 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

1. Dhiraj Kumar Verma
2. Pankaj Kumar Verma @ Pan Kumar Verma Both S/o Arun Prasad Verma, R/o Janakpuri (Vilasi Town) P.O. P.S. & District Deoghar (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51220 of 2015)

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Kalyan Shankar(App)

(In Cr.Misc. No.51257 of 2015)

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Anita Kumari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 19-09-2016 The petitioner Niraj Kumar Verma of Cr. Misc. No. 51220 of 2015 being husband of the informant and petitioners of Cr. Misc. No. 51257 of 2015 being brothers of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections

498A, 354B, 504/34 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. It is specifically alleged against the brothers of the husband of the informant that they made an attempt to outrage the modesty of the informant.

It is submitted by learned counsel for the petitioners that petitioner Niraj Kumar Verma admits his marriage with the informant on 07.03.2014 but the relationship got strained, as a result the petitioner Niraj Kumar Verma filed Matrimonial Suit No. 56 of 2015 on 11.03.2015 with a prayer for divorce and thereafter the present prosecution was initiated through filing of the complaint being Complaint Case No. 01.05.2015 which came to be registered as police case on 19.05.2015. In the circumstances, it is not feasible for the petitioner Niraj Kumar Verma to keep the informant as wife at present.

However, the petitioner Niraj Kumar Verma 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.

So far as petitioners Dhiraj Kumar Verma and Pankaj Kumar Verma @ Pan Kumar Verma are concerned, they claim to be separate from the husband of the informant

and maliciously they have been roped in the present case with accusation of making an attempt to outrage the modesty of the informant, though no medical report has been brought on record to substantiate the accusation.

It is submitted by learned counsel for the informant that informant is ready to resume the conjugal life and she is not ready to accept the offer of payment at present.

Considering the rival submissions of the parties, keeping in view of the fact that matrimonial suit was preferred at earlier point of time by the husband of the informant and the present stand of making payment coupled with the fact that reconciliation does not appear to be feasible at present, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S. Case No. 278 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner Niraj Kumar Verma will deposit the said amount before learned Court below which will be subject to the result of the case. If at any point of time the informant files an application for withdrawal of the said amount, the said amount will be released in favour of the

informant.

The above deposit will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making deposit of the said amount will give liberty to the learned Court below to cancel the bail bonds of the petitioner Niraj Kumar Verma.

The present order, in no way will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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