

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.30643 of 2016**

Arising Out of PS.Case No. -216 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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1. Sumit Kumar Urf Sunny Kumar @ Sunni Kumar Son of Raj Kumar @ Raja Babu Resident of village- West Lohanipur Upadhya Lane Langra School, P.S.- Kadam Kuan, District- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Riya Patel Wife of Sumit Kumar @ Sunni Kumar, Daughter of Late Ram Chandra Prasad Resident of village- Piprahiyan Road near Shanti Ashram Ara, P.S.- Ara Nagar, District- Bhojpur

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

2      22-08-2016                      Heard learned counsels for the petitioner, informant and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. The petitioner has filed Matrimonial Case No. 217 of 2016 for



restitution of conjugal rights. The petitioner at earlier point of time filed an informatory petition no. 2127 of 2014 apprehending danger of being implicated in false case. It is also submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition which reads as follows:

“That the petitioner is thoroughly innocent and has been fallen victim of circumstances. The petitioner is still ready to keep the informant with full dignity as per capacity if she changes her attitude.”

Learned counsel for the informant submits that due to past conduct of the petitioner the informant is not ready to accept the offer of the petitioner at present.

In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2000/- per month from October, 2016 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, let the

above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No.216 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

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

**(Dinesh Kumar Singh, J)**

Anil/-

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