

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29018 of 2016

Arising Out of PS.Case No. -76 Year- 2014 Thana -SONEPUR District- SARAN

=====

Chandan Kumar Sah @ Chandan Sah S/o Shri Jai Prakash Sah resident of village - Jankinagar, p.s. Garkha, Distt. - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Binita Devi W/o Chandan Kumar Sah Village Janki Nagar P.S. Garkha Distt Saran at present address - Paharichak, p.s. Sonpur District Saran at Chapra.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 27-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 328, 498A, 379/34 of the Indian Penal Code and 4 of Dowry Prohibition Act and 3/4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the



informant on 26.07.2014 and birth of a child, but the petitioner filed Matrimonial Suit No. 106 of 2014 with a prayer for dissolution of marriage and the marriage has been dissolved by an ex-parte judgment dated 22.08.2015 passed by the learned Principal Judge, Family Court, Saran, though, the present FIR was registered on 09.03.2014. However, the petitioner is ready to make payment of Rs.1,500/- per month from December, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that after initially entering appearance in the matrimonial suit the informant could not appear due to financial crisis and has not challenged the decree of the matrimonial suit. However, the informant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of four weeks.

Considering the fact that the marriage has been dissolved though by an ex-parte decree of divorce and the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his 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 Chief Judicial Magistrate, Saran at Chapra in connection with Sonpur P.S. Case No. 76 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the informant to file 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.)

DKS/

U		T	
---	--	---	--