

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40436 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Sujeet Kumar S/o Kameshwar Prasad Singh Resident of Village Nawadih, P.O. Meyari Bajar, P.S. Nokha, District Rohtas, at present R/o Street No. 12 Near Scotis Central School Gaurakshani, P.S. Sasaram (Model), District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanki Kumari W/o Sujeet Kumar, D/o Vijay Kumar Rai R/o Village Bhaluni, P.O. Ghordihan, P.S. Kargahar, District Rohtas. At present C/o Retd. Prof. Awadhesh Kumar Singh, Opposite side of Shiv Mandir Gaurakshani, P.S. Sasaram (Model), District Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Anish Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 12-07-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 341, 506, 406/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the informant, but the petitioner filed Matrimonial Suit No. 68 of 2015 for annulment of marriage under Section 12(1) of the

Hindu Marriage Act and thereafter the present First Information Report has been lodged.

The matter was adjourned on 21.01.2016 on the joint prayer of the parties to get the issue resolve. Subsequently, the matter was referred to the Mediation Centre of the Bihar State Legal Services Authority vide order dated 11.04.2016, but it is jointly submitted that none of the parties could attend the mediation proceeding. It is further submitted that the chances of reconciliation is not feasible at present.

However, the petitioner is ready to make payment of Rs. 2,500/- per month from August, 2016 to the informant by depositing the same in her account by second week of every month.

Learned counsel for the informant submits that the informant is ready to resume the conjugal life. However, she accepted the present offer of the petitioner and undertakes to submit her Bank Account Number on affidavit before the learned court below within a period of three weeks.

Considering the filing of Matrimonial Suit at earlier point of time and 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial

Magistrate, Sasaram in connection with Rohtas/Dehri Mahila P.S. Case No. 20 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

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

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