

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44475 of 2016

Arising Out of PS.Case No. -619 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Deepak Kumar Son of Braj Bihari Prasad Verma, permanent resident of Mohalla- East Lohanipur, Sakchul Lane, Rai;way Hunter Road, House No. 141, P.S. Kadamkuan, District- Patna, present address- Plot No. 29, Anand Bhawan, ST. Antory Nagar, Perum Bakkam, Chennai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Niti Kumari Triyari, Wife of Deepak Kumar D/o Arvind Kumar Triyar, Resident of Village- Mohanpur, P.S. Mufasil, Distt. Samastipur, Mob. No. 8102234249.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukund Kumar

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 06-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code 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 complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is the husband of the complainant. The petitioner has always kept his wife with dignity and honour and still ready to keep his wife the complainant with love, affection, dignity and honour.”

It is further submitted that initially the accusation was of inflicting torture and further dowry demand of a car. But it appears that before the learned Sessions Judge the complainant claimed that the petitioner is impotent. However, it was submitted by learned counsel for the petitioner that now the petitioner has been cured but no medical document to that effect was produced.

Learned counsel for the complainant submits that the petitioner is impotent, hence, it is not possible for the complainant to resume conjugal life.

However, counsel for the petitioner submits that in the circumstances the petitioner is ready to make payment of Rs.8,000/- per month from November, 2016 to the complainant



by depositing the same in her account by second week of every succeeding month, though, the petitioner in last few months has given about two lakhs fifty thousand rupees to the complainant.

Counsel for the complainant submits that the complainant 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 three weeks.

Considering 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 Sub-divisional Judicial Magistrate, Samastipur in connection with Complaint Case No. 619 of 2015, 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 complainant 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.)