

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39864 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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1. Upendra Kumar Chauhan @ Upendra Chauhan S/o Suman Chouhan
Resident of Village- Khadhi, P.S kateya, district Gopalganj
.... Petitioner

Versus

1. The State of Bihar
2. Urmila Devi W/o Suman Choudhary Resident of Village- Khadhi, P.S
kateya, district Gopalganj.At Present residing at late Kumar Chouhan
Mohalla, Naya Bazar Gorya toli, PS Siwan town, District Siwan
.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Prabhakar Singh, Adv.
For the Opposite Party : Mr. Madhuranand Jha, APP 102

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-09-2016 The petitioner, being the husband of the informant apprehending arrest in a case registered under Sections 341, 323, 498A and 406 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

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

The learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition, which reads as follows :

“That the petitioner is always ready to keep his wife with full dignity and he has also prayed before the learned Session’s Court and stated that he is ready to keep.”

It is submitted by the learned counsel for the

informant that due to past conduct of the petitioner such as not allowing the informant to take adequate food, she is not ready to accept the offer. In the alternative, the petitioner is ready to make payment of Rs.1,500/- to the informant from October, 2016, by depositing the same in the bank account of the informant.

The learned counsel for the informant submits that the informant is ready to accept the offer and undertakes to furnish the bank account number of the informant to the petitioner within a period of two weeks.

The petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Siwan Mahila P.S. Case No. 36 of 2016 to the satisfaction of the Chief Judicial Magistrate, Siwan, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

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)

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