

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57825 of 2015

Arising Out of PS.Case No. -102 Year- 2015 Thana -SANDESH District- BHOJPUR

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1. Chandra Shekhar Singh Son of Shri Ravindra Singh, Resident of
Village + P.O. - Rajeyan, P.S. - Piro, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Babli Kumari, Daughter of Dharendra Singh, Resident of Village
- Ahpura, P.S. - Sandesh, District - Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar

For the Opposite Party/s : Mr. Uday Chand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 06-09-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 341, 323, 504, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant but the petitioner has filed Matrimonial Suit No. 363 of 2014 with a prayer for divorce and thereafter the present F.I.R was registered. It is further submitted that informant has performed marriage with one Randhir Singh.

The notices were issued to the informant vide order dated 08.01.2016. The office note dated 09.05.2016

reflects that the house service of ordinary process of notice has been effected, hence vide order dated 09.05.2016 the notices issued to O.P. No. 2 were deemed to be validly served and the matter was adjourned for 4th of August, 2016 but none appeared on behalf of the O.P. No. 2. Hence, the matter was adjourned for today. Today also none is appearing on behalf of the informant/O.P. No. 2.

It is submitted by learned counsel for the petitioner that in the alternative, petitioner is ready to make payment Rs. 1000/- to the informant from October, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month.

Considering the filing of matrimonial suit at earlier point of time and the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Sandesh P.S. Case No. 102 of 2015.

The petitioner undertakes to serve a copy of this order to the informant/O.P. No. 2 and her counsel appearing before learned Court below within a period of two weeks when it is expected from the informant/O.P. No. 2 to

supply her bank account number by submitting the same on affidavit before learned Court below within a period of two weeks thereafter.

However, if the informant fails to submit the bank account number or refuses to receive the payment then the said amount will be deposited before learned Court below to be invested in some fixed deposit scheme which will be subject to the result of the case.

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

If the informant accepts the offer of the petitioner then in that eventuality, three consecutive defaults in making payment will give liberty to the informant to file appropriate 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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