

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58487 of 2015

Arising Out of PS.Case No. -2633 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Pradeep Kumar Mishra @ Pradeep Mishra Son of Sri Brihaspati Kumar Mishra Resident of Village - Bishunpura , P.O. Serukahan , P.S. - Mashrakh , District - Saran .

.... Petitioner/s

Versus

1. The State of Bihar
2. Sindhu Devi Wife of Pradeep Kumar Mishra @ Pradeep Mishra daughter of Suresh Mishra Presently residing at Village - Sidhwalia , P.S.- Chapra Muffasil , District - Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections-323 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner being married with the complainant had filed Matrimonial Case No. 188 of 2012 on 01.06.2012 for restitution of

conjugal rights. Ultimately, Opposite Party No. 2 had also filed an application with a prayer for divorce on 11.07.2013 and thereafter the present Complaint Case No. 2633 of 2013 had been filed on 26.08.2013.

Learned counsel for the petitioner further submits that the petitioner is making payment of Rs. 3500/- per month regularly in pursuance to the order passed in maintenance proceedings on 11.12.2013. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the opposite party no. 2 has also filed an application under section 125 of the Code of Criminal Procedure for maintenance on 11.12.2013 before the Principal Judge, Saran bearing Maintenance Case No. 231 of 2013, in which the learned Principal Judge, Saran has allowed the interim maintenance of Rs. 3500/- per month by order dated 10.06.2015 and the petitioner is paying the same each and every month.”

Considering the filing of matrimonial suit at earlier point of time and the present stand of the petitioner, let the above named petitioner be released on anticipatory bail in the event of 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 SDJM, Saran in connection with Complaint Case No.

2633 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner shall be accepted by learned Court below on filing proof by the petitioner with regard to update payment of maintenance amount.

(Dinesh Kumar Singh, J)

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