

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26305 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -SURSAND District- SITAMARHI

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1. Navin Thakur S/o Late Devendra Thakur resident of Village Sursand Budhawa Pokhar P.S Sursand District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anu Devi W/o Navin Thakur, D/o Amarnath Thakur at present resident of Village- Kushari, P.S. Riga, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar
For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-10-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 323, 379, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and is ready to keep the informant with dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is the

husband of the informant and always ready to keep her with all respect and dignity but she herself does not want to live with this petitioner the reason best known to her.”

It is further submitted that similar was the stand of the petitioner before learned Court below which gets reflected from the impugned order.

It is submitted by learned counsel for the informant that informant, at present is not ready to accept the offer of the petitioner, since she is apprehensive due to the past conduct of the petitioner.

It is submitted by learned counsel for the petitioner that in the alternative, petitioner is ready to make payment of Rs. 1800/- per month to the informant from December, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of four weeks.

Considering the present stand of the parties with lurking hope that the issue may be resolved in future, 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 Sub-Divisional Judicial Magistrate, Pupari, Sitamarhi in connection with Sursand P.S. Case No. 229 of 2015.

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

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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