

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36752 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -MAHILA P.S. District- MADHEPURA

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1. Raghubansh Kumar Son of Chandra Shekhar Yadav resident of village - Rahuwa, P.S. Saur Bazar, District - Saharsa and at present resident of Ward No. 09, Azad Nagar, P.S. and District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Rupa Kumari daughter of Sudhir Kumar Yadav at present resident of village - Chatra, P.S. Gwalpara, District - Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary-1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-01-2016 Petitioner being husband of the informant apprehending his arrest in a case registered for the offences under Sections 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.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of two children(one male and one female). The petitioner has filed Matrimonial Suit No. 23 of 2015 with a prayer for divorce on 23.08.2013 and thereafter the present case was registered on 17.05.2015. Though the petitioner was in the government job but due to the filing of the present case

he has to resign.

It is submitted by learned counsel for the informant that informant is still ready to resume the conjugal life and the last child was born in 2014.

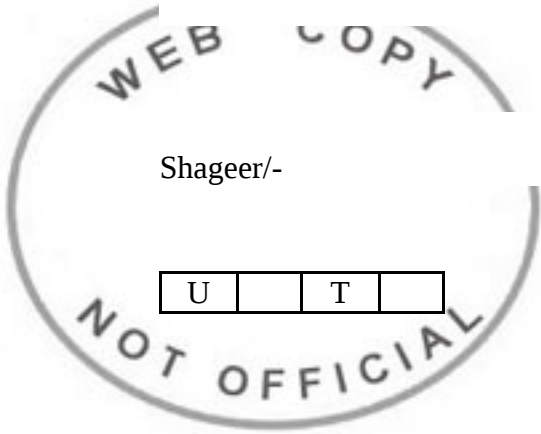
In the alternative, petitioner is ready to make payment Rs. 3000/- to the informant from March, 2016, by depositing the same in the bank account of the informant by second week of every month for the welfare of the informant and the children. Learned counsel for the informant submits that informant is ready to accept the offer and undertakes to submit the bank account number on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the parties and the filing of the matrimonial suit at earlier point of time, 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 Chief Judicial Magistrate, Madhepura in connection with Madhepura Mahila P.S. Case No. 29 of 2015.

The aforesaid payments 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.



(Dinesh Kumar Singh, J)