

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2716 of 2016

Arising Out of PS.Case No. -1373 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ravish Kumar Sinha Son of Sri Upendra Kumar Sinha Resident of East
Lohanipur, Pustakalaya Lane, P.S.-Kadamkuan, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Astha Sinha Wife of Sri Ravish Kumar Sinha, daughter of Sri Dinesh Prasad Sinha, Resident of Gulab Bagh Market, Thakurbani Road, P.S.-Kadamkuan, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 16-05-2016

Heard learned counsels for the petitioner and the

State.

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

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the

complainant on 27.05.2011 but subsequently the complainant deserted the petitioner when the petitioner filed Matrimonial Suit No. 710 of 2012 for restitution of conjugal rights when the complainant resumed the conjugal life. Thereafter the complainant deserted the petitioner when the petitioner filed Matrimonial Suit No. 6054 of 2014 with a prayer for divorce and thereafter the present complaint has been filed, hence, the petitioner is not ready to keep the complainant.

Counsel for the complainant submits that the complainant is ready to resume the conjugal life and for no reason the petitioner has taken such a stand of not keeping the complainant.

In the circumstances, it appears that the reconciliation is not feasible at present.

However, counsel for the petitioner submits that in alternative the petitioner is ready to make payment of Rs.2,000/- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit



before the learned court below within a period of three weeks.

Considering the present stand of the parties and filing of the matrimonial suit at earlier point of time by the petitioner, let the above named petitioner be released on anticipatory bail in the event of his 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 Sub-divisional Judicial Magistrate, Patna in connection with Complaint Case No. 1373(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant 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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