

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11425 of 2016

Arising Out of PS.Case No. -1760 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Sushil Roy Son of Kameshwar Roy resident of Mohalla - Jaiprakash
Nagar, Infront of Harijan Hostel, Katira, Ara, P.S. Ara Nawada, District
- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Nainsi Wife of Sushil Roy, Daughter of Madhusudan Singh resident of
357 Neharu Nagar, Near Gas Godown, Tulsi Path, P.S. Patiliputra,
District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar
For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-03-2016 Petitioner being husband of the complainant is
apprehending his arrest in a complaint case wherein processes
were directed to be issued after cognizance being taken for the
offences punishable under Section 498A of the Indian Penal
Code and Section 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
complainant. The complainant has also filed Bhojpur Mahila
P.S. Case No. 87 of 2015 with similar accusation. Thereafter
the petitioner has filed Matrimonial Suit No. 51 of 2013 with a
prayer for divorce. In the matrimonial suit the complainant has

filed an application for grant of interim maintenance wherein the interim maintenance of Rs. 5000/- per month is being regularly paid by the petitioner to the complainant. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is
regularly paying said awarded maintenance
amount to the complainant every month”

Considering the filing of the matrimonial suit at earlier point of time and as submitted about regular payment of interim maintenance amount, 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, Patna in connection with Complaint Case No. 1760(C) of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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