

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17362 of 2016

Arising Out of PS.Case No. -171 Year- 2015 Thana -BEUR District- PATNA

1. Raushan Tiwari, Son of Late Bablu Tiwary, resident of New Bishunpur,
Pakari, P.S. Beur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. S.M.Rahman(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-04-2016

The petitioner being husband of the informant apprehending his arrest in a case registered for the offences under Sections 341, 323, 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 a male child. The petitioner is still ready to keep the informant with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is ready
to keep the informant(his wife) with full dignity and
honour.”

It is submitted by learned counsel for the informant that due to the past torturous attitude of the petitioner the informant is not ready to reside with the petitioner.

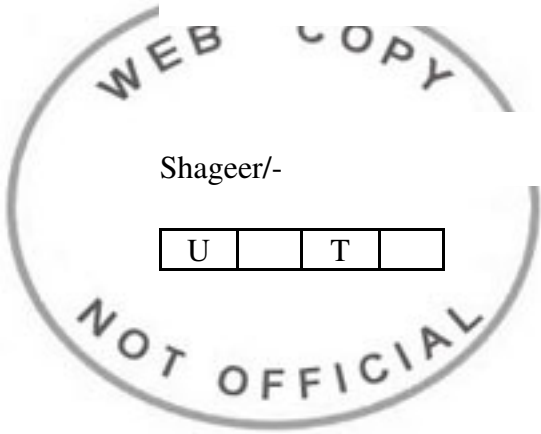
In the alternative, petitioner is ready to make payment Rs. 2000/- to the informant from June, 2016, by depositing the same in the bank account of the informant by second week of every consecutive month. It is submitted by learned counsel for the informant that the offer is acceptable to the informant who undertakes to submit her bank account number within a period of four weeks by submitting the same on affidavit before learned Court below.

Considering the present stand of the petitioner, 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 Judicial Magistrate, 1st Class, Patna in connection with Beur P.S. Case No. 171 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.

The present order, in no way will preclude
the parties to resolve the issue otherwise.



(Dinesh Kumar Singh, J)