

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18146 of 2016

Arising Out of PS.Case No. -2956 Year- 2014 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Bhola Manjhi, son of Birendra Manjhi, resident of Village-Dinapati, Tole-Charani, P.S.-G.B. Nagar, District-Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Anju Devi, wife of Bhola Manjhi, Daughter of Yogendra Manjhi, resident of Village-Sahlaur, P.S.-Sarai(O), District-Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Kumar Virendra Narayan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 13-05-2016

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 under Section 498A of the Indian Penal Code and 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 and is ready to keep the complainant with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is
always ready to keep the complainant with full
respect.”

It is submitted by learned counsel for the complainant that petitioner has performed second marriage with the own sister of the complainant. Hence, in the circumstance, the complainant is not ready to accept the offer of the petitioner.

In the alternative, petitioner is ready to make payment Rs. 1500/- to the complainant from June, 2016, by depositing the same in the bank account of the complainant by second week of every month. The offer is acceptable to the counsel appearing on behalf of the complainant who undertakes that complainant will submit her bank account number by filing the same on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the parties, 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, Siwan in connection with Complaint Case No. 2956 of 2014.

The above 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 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.

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(Dinesh Kumar Singh, J)