

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20830 of 2016

Arising Out of PS.Case No. -95 Year- 2015 Thana -ANDHRATHARI District- MADHUBANI

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Raman Rai Son of Late Bhailal Rai Resident of Arer Laxmipur, P.S. Arer Hat, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Munni Kumari @ Munni Devi D/o Umesh Kumar Rai resident of village - Magrauni, P.S. Andhrathardhi, District - Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 06-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 342, 323, 354, 379, 307, 498A/34 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 also alleged that the attempt was made on the life of the informant by administering some poisonous substance to her.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the informant having no issue. The petitioner filed Matrimonial Suit No. 146 of 2015 at earlier point of time with a prayer for divorce and thereafter the present case was lodged. Hence, the petitioner is not ready to keep the informant as wife at present.

Counsel for the informant submits that, though, the informant has been tortured and attempt was made on the life of the informant but she is ready to resume the conjugal life.

However, the petitioner is ready to make payment of Rs.3,000/- per month from November, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant is ready to accept the offer of payment by the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of four weeks.

Considering the filing of matrimonial suit at earlier point of time and the present stand of the parties, 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 Judicial Magistrate, Ist Class, Jhanjharpur, Madhubani in connection with Andhratharhi P.S. Case No. 95 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned 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 informant to file 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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