

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42822 of 2015

Arising Out of PS.Case No. -61 Year- 2014 Thana -HAYAGHAT District- DARBHANGA

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Manjay Kumar Singh Son of Arun Singh Resident of Village - Khaira, P.S.
- Bahadurpur, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bandna Kumari Singh D/o Ashok Singh R/o Bhagwatipur, P.O. Kharari,
P.S. Hayaghat, District –Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha

For the Opposite Party/s : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 29-02-2016 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 341, 323, 498A, 504/34 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.

The petitioner and the informant are present in the Court.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant but the

marriage was never consummated as the informant admitted affairs with someone else leading of filing of Matrimonial Suit No. 27 of 2014 with a prayer for annulment of marriage and thereafter the present case was filed. Hence, the reconciliation is not feasible at present. However, the petitioner is ready to make payment of Rs.1,500/- per month from April, 2016 to the informant by depositing the same in her account by second week of every month.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit 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 matrimonial suit at earlier point of time, 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 Chief Judicial Magistrate, Darbhanga in connection with Hayaghat P.S. Case No. 61 of 2014, 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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