

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32867 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -NAYA RAM NAGAR District- MUNGER

Sanjeev Kumar Son of Manoranjan Mandal Resident of village - Kantpur,
P.S. Naya Ram Nagar, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Raj Nandani Wife of Sanjeev Kumar and daughter of Sri Niranjan Prasad Singh resident of village - Baijalpur, P.S. Haveli Kharagpur, District - Munger

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 05-09-2016

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 498A 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the

informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-



“That, the petitioner is still ready to keep the Opposite Party No. 2 with full dignity and sureties. If the Opposite Party No. 2 is ready to live with the petitioner.”

It is further submitted that the malicious attitude of the informant gets reflected from the fact that after one month of the marriage the present case has been lodged.

Counsel for the informant submits that the informant is not ready to accept the offer of the petitioner.

In the alternative, the petitioner being Constable in I.T.B.P., is ready to make payment of Rs.2,000/- per month from October, 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 three weeks.

Considering 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 Additional Chief Judicial Magistrate-I, Munger in connection with Naya Ram Nagar P.S. Case No. 70 of 2016, 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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