

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52429 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -ARIYARI District- SEKHPURA

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Ayodhya Yadav @ Genar Yadav son of Late Bishun Yadav, resident of
village- Baurni, P.S.- Sheikhpura, District- Sheikhpura

.... Petitioner

Versus

1. The State of Bihar
2. Sulochna Devi, W/O Ayodhya Yadav @ Genar Yadav, D/O Raghu
Yadav, Village- Bhallua, P.S. Chebara, District - Sheikhpura

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Nilesh Kumar, Advocate.
For the Opposite Parties : Mr. Pradip Narayan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-04-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 504, 379, 498(A) and 34 of the Indian Penal Code.

The accusation is of torture for non-fulfillment of the dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant about ten years back of lodging of the case and ready to keep her as wife with full dignity and respect. A statement to that effect has been made in para 12 of the petition which reads as follows:

“12. That the petitioner is ready to keep the

informant with all dignity and respect.”

The informant is present in the Court and it is submitted by the counsel for the informant that the informant is not ready to accept the offer due to past conduct of the petitioner.

Learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs. 1800/- per month from June, 2016 to the complainant by depositing the same in the bank account of the informant by second week of every month.

Learned counsel for the informant submits that the informant is ready to accept the offer. Hence, the issue does not appear to be reconciled. In the alternative, the petitioner is ready to make payment of Rs. 1800/- per month from June, 2016 to the complainant by depositing the same in her bank account by second week of every month.

Learned counsel for the complainant submits that complainant is ready to accept the offer and submit her Bank Account Number within a period of three weeks. Moreover the complainant is not opposing the prayer for bail of the petitioner.

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate, Sheikhpura in

connection with Ariari (Kasar) P.S. Case No. 49 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner undertakes to supply a copy of the order to the complainant within a period of three weeks when it is expected from the complainant to submit the Bank Account Number by filing the same on affidavit before the learned court below within a period of three weeks. The petitioner also undertakes to appear regularly in the maintenance proceeding pending before the learned court below.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

Three consecutive defaults in making payment will give liberty to the complainant 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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