

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55036 of 2015

Arising Out of PS.Case No. -214 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

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Rahul Kumar Ram @ Rahul Kumar, S/o Lal Bahadur Ram, resident of
village- Siyadih, Police Station- Charpokhari, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Munna Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

6 08-08-2016 Heard learned counsel 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 Section 498A of the Indian Penal Code and
3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel
for the petitioner that petitioner admits his marriage with the
informant but since the girl was changed at the time of



marriage and the informant is suffering from some mental abrasion the petitioner filed Matrimonial Suit No. 244 of 2015 on 30.06.2015 with a prayer for divorce. The notices were issued to opposite party no. 2 on 08.07.2015, thereafter the present First Information Report was registered on 15.07.2015.

Learned counsel for the informant submits that at present the informant is not ready to accept the offer of the petitioner. Hence, the issue does not appear to be reconciled. In the alternative, the petitioner is ready to make payment of Rs. 1500/- per month from September, 2016 to the informant by depositing the same in her account by second week of every month.

Notices were issued to opposite party no 2 vide order dated 11.12.2015. The office note dated 21.04.2016 suggests that ordinary process of notice was received by opposite party no. 2 but she refused to sign the acknowledgement. In the circumstances, the notices were treated to be a deemed valid service of notice. Today also none is appearing on behalf of opposite party no.2.

Learned counsel for the informant submits that informant is ready to accept the offer of the petitioner and undertakes to submit her 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Ara in connection with Charpokhari P.S. Case No. 214 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the informant within a period of three weeks when it is expected from the informant to submit her bank account number by submitted the same on affidavit before the learned court below within a period of three weeks.

If the informant declines to accept the offer of the petitioner, then the said amount will be deposited before the learned court below, which will be subject to result of the case, but if the informant accepts the offer of the petitioner then it will be deposited in the bank account of the informant given 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 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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