

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37943 of 2016

Arising Out of PS.Case No. -214 Year- 2016 Thana -FATUHA District- PATNA

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Kundan Ravidas, son of Om Ravidas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Sri Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.10 of the petition, which reads as under :-

"That the petitioner is the husband of the informant and he was always keeping the informant with full care, honour and

dignity and is still ready to keep her with full care, dignity and honour according to his capacity."

It is further submitted that similar was the stand of the petitioner before the learned Court below, but the informant declined to accept the offer of the petitioner since she was apprehending threat at the hands of the petitioner.

Under the circumstances, learned counsel for the petitioner further submits that the petitioner is ready to make payment of Rs.1500/- per month to the informant from October, 2016 by depositing the same in the bank account of the informant by second week of every succeeding month.

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned ACJM, Patnacity, Patna, in connection with Fatuha P.S. Case No. 214/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the informant within a period of three weeks when it is expected that the informant will supply her bank account number to the

petitioner by filing the same on affidavit before the learned court below. However, in the event, if the informant fails to submit her bank account number or, on appearance, she declines to accept the offer of the petitioner, the aforesaid amount will be deposited before the learned Court below, subject to result of the case.

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

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the informant to resume the conjugal life and if she so wishes and files an application before the learned court below then learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this court.

Ashwini/-

(Dinesh Kumar Singh, J)

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