

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42583 of 2016

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Shambhu Kumar Verma son of Devendra Prasad Verma @ Devendra Sao
resident of village - Dalishmanchak, Post + Police Station - Barh, Kachahri
Road, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinki Devi wife of Shambhu Kumar Verma, daughter of Late Rajkumar Verma resident of Shahmir Takya, Durga Asthan, Police Line Road, Police Station - Rampur, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 27-09-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 379 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.

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



complainant and similar was the stand of the petitioner before the learned court below and the offer of the petitioner was declined by the complainant as she was apprehensive due to the past conduct of the petitioner which gets reflected from the impugned order. It is further submitted that the petitioner filed Matrimonial Suit No. 6035 of 2014 with a prayer for divorce. However, petitioner is ready to make payment of Rs.2,000/- per month from November, 2016 to the complainant by depositing the same in her account by second week of every succeeding month. The petitioner undertakes to serve a copy of this order to the complainant as well as Advocate of the complainant appearing before the learned court below.

Considering the filing of the matrimonial suit at earlier point of time by the petitioner and the present stand of the petitioner, 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 Sub-divisional Judicial Magistrate, Gaya in connection with Complaint Case No. 1363 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



It is expected that the complainant will submit her bank account number by filing the same on affidavit before the learned court below, but if she declined to accept the offer of payment then the same will be deposited before the learned court below which will be subject to the result of the case.

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 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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