

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58526 of 2015

Arising Out of PS.Case No. -447 Year- 2010 Thana -BHAGALPUR COMPLAINT CASE District- -

1. Pawan Kumar Gupta Son of Shiv Shanker Sah @ Shiv Shankar Gupta
R/o Village-Nandlalpur, P.S. Kahalgaon, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi Wife of Pawan Kumar Gupta, D/o Tekan Bhagat R/o Village
Dhankund, P.S. Dhoraiya, District Banka

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-07-2016 Petitioner being husband of the complainant
is apprehending his arrest in a complaint case wherein
processes were directed to be issued after cognizance being
taken for the offences under Section 498A of the Indian Penal
Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
complainant but since the complainant developed some illicit
relationship with someone else, hence the petitioner has filed
Matrimonial Suit No. 101 of 2009 with a prayer for divorce,
whereas the present complaint was filed in 2010, though,
recently warrant of arrest has been issued. Hence, it is

submitted that there is no likelihood of issue being reconciled at present.

It is submitted by learned counsel for the complainant that complainant is ready to resume the conjugal life.

In the alternative, petitioner is ready to make payment Rs. 1800/- to the complainant from August, 2016, by depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant accepts the offer of the petitioner and undertakes to supply the bank account of the complainant within a period of three weeks by submitting the same on affidavit before learned Court below.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 447 of 2010.

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

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

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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