

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36992 of 2015

Arising Out of PS.Case No. -94 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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1. Rajeev Kumar, Son of Late Gajendra Prasad, Resident of Mohalla-Haquikatpur, P.S.- Bakhtiyarpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jyoti Devi Wife of Rajeev Kumar, Daughter of Arjun Prasad, At Present- Resident of Village Kastat Town, Deoghar, P.S.- Deoghar, District- Deoghar (Jharkhand).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil
For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-01-2016 Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 323, 341, 504, 498A/34, 376/511 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand. It is also alleged that elder brother of the petitioner made an attempt to ravish the informant.

The petitioner and the informant are present in Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of two children. In the background of litigated relationship between the parties since long the petitioner is not in a position to reconcile the issue, however

informant and the children are residing in the house of the petitioner and petitioner is making payment of Rs. 7,000/- per month to the informant for the welfare of the informant and the children.

It is submitted by learned counsel for the informant that payment is not regular and at present the informant is also inclined to receive regular payment for the welfare of the children.

In the alternative, petitioner is ready to make payment of Rs. 7000/- to the informant from February, 2016, by depositing the same in the bank account of the informant by second week of every month. The offer is acceptable to the informant who undertakes to supply her bank account number within a period of two 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 Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 94 of 2015.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance

proceeding.

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

The present order, in no way will preclude the parties to reconcile the issue.

(Dinesh Kumar Singh, J)

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