

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4800 of 2016

Arising Out of PS.Case No. -205 Year- 2015 Thana -DAUDNAGAR District- AURANGABAD

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Amresh Kumar, Son of Awadesh Prasad Singh, Resident of village –
Dilawarpur, P.S. – Haspura, District –Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bagisha Kumari D/o Vijay Krishna Brajraj, Resident of village – Yadav
Nagar Colony, Bhakhuruamor, P.S. Daudnagar, District – Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Renuka Ratnakar (App)

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

03/ 17-05-2016

Learned counsel for the petitioner is permitted

to make necessary correction in the prayer portion.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 498A/34, 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.

The petitioner and the informant are present in the Court.

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

informant and birth of female child but the petitioner filed Matrimonial Suit No. 840 of 2015 with a prayer for divorce on 28.07.2015 and when the notices were issued on 12.08.2015, thereafter on 03.09.2015 the present case was filed. Though, the informant entered appearance in matrimonial suit on 07.09.2015. Hence, the petitioner is not ready to reconcile the issue in terms of resuming the conjugal life.

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

Considering the rival submissions of the parties the reconciliation does not appears to be feasible at present.

However, it is submitted by learned counsel for the petitioner that, in alternative, the petitioner is ready to make payment of Rs.10,000/- per month from June, 2016 to the informant by depositing the same in her account by second week of every month.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit the 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 205 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present 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 informant 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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