

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47004 of 2015

Arising Out of PS.Case No. -149 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Kamlesh Chaupal Son of Bhikhari Chaupal resident of Village- Deohar
p.s Andharathdhi District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gulbiya Devi w/o Kamlesh Chaupal R/o Deohar P.sAndhrathadi Distt-
Madhubani ,D/o Ram Suddi Chaupal R/o Madnapur Ps. R. S. Shivar
Jhanjharpur (Madhepur) Distt Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Jha, Advocate

For the Opposite Party/s : Mr. Manoj Kr. 1(App)

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

ORAL ORDER

5 19-05-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 494, 323, 341, 387, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant and has also performed second marriage, but even

then since there was no issue from the complainant. Though the petitioner is ready to keep the complainant as wife with due dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

“That it is submitted here that the petitioner is ready to keep the complainant as wife with full of dignity and honour.”

Learned counsel for the complainant submits that in view of the second marriage the informant is very apprehensive in going to the petitioner's house. In the alternative, the petitioner is ready to make payment of Rs. 2,000- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of two weeks. Moreover the complainant is not opposing the prayer for bail of the petitioner.

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jhanjharpur in connection with Complaint

Case No. 149 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

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