

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22443 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -MAHILA P.S. District- BHAGALPUR

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Sumit Sagar Son of Sri Shyamdeo Thakur, resident of Mohalla- Rajendra Colony (Panama Pratap Nagar), P.S.- Nauhachia, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Sagar daughter of Sri Sikendra Jha, resident of Mohalla- Rajendra Colony (Panama Pratap Nagar), P.S.- Nauhachia, District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 24-10-2016 Heard learned counsels for the petitioner, State and the informant-opposite party no.2.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 504, 506, 448/34 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.

Counsel for the petitioner submits that the

petitioner admits his marriage with the informant and birth of female child. The petitioner is still ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-



“That the petitioner is still ready to keep her and maintain the complainant with honour and full dignity.”

Counsel for the informant submits that the informant is not inclined to accept the offer of the petitioner since she is apprehensive due to the past conduct of the petitioner.

Counsel for the petitioner, in the alternative, submits that the petitioner is ready to make payment of Rs.2,500/- per month from December, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period four 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, Naugachia in connection with Naugachia (Mahila) P.S. Case No. 09 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 informant 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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