

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24001 of 2015

Arising Out of PS.Case No. -26229 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Dheeraj Anand Son of Prabhu Nath Singh, Permanent Resident of Village- Bhawanipur North, P.S.- Sangrampur, District- Motihari also at 2nd Floor, Ramdeo Vihar Opp. Ashok Nagar, Gate No. 3, Near HDFC Bank P.S.- Ashok Nagar, District- Ranchi (Jharkhand), At present Flat No. 206, Sakshi Manson, 1st Main Gopal Reddy Lay out Behind Bhagini Restaurant, Banaswadi, P.S.- Banaswadi, District- Bangalore (Karnataka)

.... Petitioner/s

Versus

1. The State of Bihar
2. Keshika, Daughter of Keshaw Kumar, Wife of Dheeraj Anand, Resident of A/247, P.C. Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 11-01-2016 Heard learned counsels for the petitioner, complainant and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A,354 and 406/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

Though initial stand of the petitioner was that the



petitioner was ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 14 of the petition but now a joint affidavit has been filed by the petitioner and the complainant to the effect that the issue between the parties has been resolved in terms of payment of permanent alimony of rupees thirty eight lacs on dissolution of marriage by the filing matrimonial suit under section 13B of Hindu Marriage Act.

It is further submitted that payment of 25% of total alimony amount of thirty eight lacs have already been made and second installment of 25% will be deposited before the learned Principal Judge, Family Court, Patna within three months through bank draft in favour of complainant and 50% in the similar manner prior to passing of the decree in matrimonial suit. It has further been agreed between the parties that they will file joint petition of compromise in Complaint Case No. 26229C of 2014. Statements to the aforesaid effect have been made in paragraphs 2 and 4 of the joint affidavit filed on behalf of the petitioner and O.P. No. 2. In the circumstances, learned counsel for the complainant is not opposing the bail prayer of the petitioner.

Considering the aforesaid stand of the parties, let the above named petitioner be released on anticipatory bail in the

event of 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 JM Ist Class, Patna in connection with Complaint Case No. 26229C of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Needless to say, either party will be at liberty to file appropriate application before the learned court below in case either party fails to comply the terms of joint application.

In view of the present stand of the parties, it is expected from the learned courts below to dispose of the complaint case and the matrimonial suit in accordance with law expeditiously.

(Dinesh Kumar Singh, J)

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