

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33036 of 2016

Arising Out of PS.Case No. -28679 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Rakesh Kumar Son of Sri Ram Pujan Singh, resident of Mahuari, P.S-
Baroon District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manisha Kumari, Wife of Sri Rakesh Kumar @ Guddu resident of
Mohalla Kadamkuan, Near East of Naga Math, B.N. Roy Path, P.S.-
Kadamkuan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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

2 09-08-2016 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being husband of the complainant is
apprehending arrest in a case registered for the offences
punishable under Section 498A of the Indian Penal Code and
section 4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that
the petitioner admits his marriage with the complainant but the
petitioner filed Matrimonial Suit No. 93 of 2014 on 16.7.2014

with a prayer for divorce when the complainant was found carrying pregnancy at the time of marriage and thereafter the present complaint was filed on 23.8.2014. The petitioner is not willing to keep the complainant as wife.

It is submitted by learned counsel for the complainant that immediately after the marriage the torture was inflicted but it is not denied that matrimonial suit was filed at earlier point of time.

In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs. 2500/- per month from October, 2016 by depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant is ready to accept the offer and undertakes to provide the bank account number of the complainant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties and the fact that matrimonial suit was filed at earlier point of time, 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 SDJM, Patna in connection with Complaint Case No. 28679 C of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

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

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

(Dinesh Kumar Singh, J)

Anil/-

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