

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29748 of 2016

Arising Out of PS.Case No. -929 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-SAMASTIPUR

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Vijay Sahni Son of Ram Punit Sahni Resident of Village:- Madhopur, taran,
P.S: - Kalyanpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Phulo Devi Wife of Vijay Sahni Resident of Village:- Madhopur, taran,
P.S: - Kalyanpur, District Samastipur.At Present Daughter of
Bisheshwar Sahni, Resident of Village:- Latwasepura Tola Chainpur,
P.S.: Musarigharari, District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 01-08-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A 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 complainant are present

in the Court.

It is submitted by learned counsel for the petitioner admits his marriage with the complainant and has not performed second marriage. The petitioner is still ready to keep the complainant as wife with full dignity and honour. Statements to that effect has been made in paragraph 15 of the petition, which reads as follows:-

“That the petitioner has not solemnized second marriage and he is still ready to keep the complainant as wife with full dignity and honour and it is complainant who is not ready to live with the petitioner.”

Counsel for the complainant submits that the complainant has been informed that the petitioner has performed second marriage and is not ready to accept the offer of the petitioner. However, at present she only wants maintenance as awarded by learned Principal Judge, Family Court, Samastipur in Maintenance Case No. 77 of 2015.

Counsel for the petitioner submits that the petitioner is ready to make payment of maintenance amount including the arrears till the order is modified by the same court or superior court.

Keeping in view of the present stand of the





respective 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, Samastipur in connection with Complaint Case No. 929 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted by the learned court below if the petitioner produce substantive proof with regard to the payment of the maintenance amount as directed by the learned Principal Judge, Family Court, Samastipur.

(Dinesh Kumar Singh, J.)

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