

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42213 of 2015

Arising Out of Complaint Case No. -481 Year- 2011 Thana -BHAGALPUR COMPLAINT CASE
District- BHAGALPUR

Photo Yadav Son of Anandi Yadav

.... Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi Wife of Photo Yadav, Daughter of Late Yugal Yadav

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anuradha Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 494/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant in 1999 but since there was no issue, after seven years of marriage, hence with consent of the complainant the petitioner performed second marriage. The petitioner is still ready to keep the complainant as

wife with full dignity and honour.

It is submitted by learned counsel for the complainant that never any consent was given to perform second marriage and since the petitioner performed second marriage she is not ready to resume the conjugal life.

Under the circumstances, the petitioner submits to make payment of Rs.1500/- per month to the complainant from May, 2016 by depositing the same in the bank account of the complainant by second week of every month.

The counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account on affidavit before the learned court below within a period of three weeks.

Considering the present 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 12 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 the learned Sub-Divisional Judicial Magistrate, Bhagalpur, in connection with Complaint Case No.481/2011, 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 complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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