

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44737 of 2015

Arising Out of PS.Case No. -1240 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Neeraj Kumar son of Bindhyachal Prasad Singh Resident of Village -Athri
Gargata, Police Station-Runni Saidpur, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari wife of Neeraj Kumar resident of Village Athari Gargata,
P.s Runnisaidpur District Sitamarhi ,presently residing at Village
Panthpakar P.s Bathnaha, District Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar @ Vijay Kr. Singh

For the Opposite Party/s : Mr. M.Haque(App)

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

03/ 23-02-2016

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 filed
with accusation punishable under Sections 498A, 323, 379 of
the Indian Penal Code and 3/4 of Dowry Prohibition Act
wherein processes have been directed to be issued after
cognizance being taken.

The basic accusation is of torture for non-
fulfillment of the dowry demand.

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the complainant on 02.03.2006. The petitioner filed Matrimonial Suit No. 257 of 2013 for dissolution of marriage and one year thereafter the present complaint was filed. Though, statement has been made in paragraph 15 of the petition that the petitioner is ready to keep the complainant but it is submitted by learned counsel for the petitioner that at present the petitioner is not ready to keep the complainant due to the past conduct of the complainant.

Counsel for the complainant submits that the complainant is ready to resume the conjugal life.

Counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2,000/- per month from March, 2016 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant that the complainant 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 of two weeks.

Considering the present stand of the parties coupled with 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 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 Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. 1240 of 2014, 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 complainant 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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