

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52489 of 2015

Arising Out of PS.Case No. -791 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Chandan Mahto, S/o Ram Prawesh Mahto

.... Petitioner/s

Versus

1. The State of Bihar.
2. Malari Devi, W/o Chandan Mahto, D/o Harendra Mahto

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-07-2016

The petitioner and the complainant are present.

Heard learned counsels for the petitioner, complainant
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 323, 498A of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of
dowry demand.

It is submitted by learned counsel for the petitioner that
the petitioner admits his marriage with the complainant but the
complainant developed illicit relationship with one Kripal Kumar
against which the petitioner filed Informatory Petition No.75/2014

on 23.06.2014 whereas the present complaint has been filed on 18.03.2015 and under that circumstances reconciliation is not feasible. However, the petitioner is ready to make payment of Rs.750/- per month to the complainant from September, 2016 by depositing the same in the bank account of the complainant by second week of every month.

It is submitted by learned counsel for the complainant that the informatory petition was filed only on suspicion. Though, the complainant wants to resume the conjugal life, but at present she 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 two 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 SDJM, Purnea, in connection with Complaint Case No.791/2015, 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)

Ashwini/-

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