

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28858 of 2016

Arising Out of PS.Case No. -250 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Sanjay Pandey @ Sanjay Kumar Pandey S/o Late Bhrigunath Pandey,

.... Petitioner/s

Versus

1. The State of Bihar.

2. Priti Devi, W/o Sanjay Pandey and daughter of Utkarsh Pandey

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Choubey, Advocate

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2016

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 Section 498A of the Indian Penal Code and Section 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 and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paras 10 and 11 of the petition, which reads as follows :-

"10. That the husband of the complainant never ousted the complainant rather he is always making all attempts to keep her respectfully."

11. That although, it is matter of fact, the present complainant is a lady of ill/short temperament and she has not respected either to husband (petitioner) or to family member but even then her husband (petitioner) is ready to keep her with all respect."

Similar was the stand of the petitioner before the learned Court below but the complainant refused to accept the offer of the petitioner as she was apprehensive due to the threat to her life at the hands of the petitioner. This fact has also been incorporated in the impugned order of the learned Sessions Judge, which reads as follows:-

"During course of reconciliation between the parties the complainant refused to live with the petitioner apprehending threat to her life at the hand of petitioner."

It is further submitted that the petitioner is ready to make payment of Rs.1500/- per month to the complainant from August, 2016, by depositing the same in the bank account of the complainant by second week of every month.

Considering the present stand of the petitioner, 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, Bikramganj, Rohtas, in connection with Complaint Case No.250/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the complainant within a period of three weeks when it is expected that the complainant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below.

It is made clear if the complainant fails to submit her bank account number or refused to accept the offer of the petitioner, the said amount will be deposited in the registry of the lower Court below, which will be deposited in some fixed deposit scheme, subject to result of the case.

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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