

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13342 of 2016

Arising Out of PS.Case No. -2 Year- 2015 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Pankaj Pal @ Pankaj Kumar son of Rajbali Pal Resident of Budhwa,
P.S. Tarari, District - Bhojpur, currently resident of Diaguti Azad Basti
Mango, P.S. - Mango, District - Jamshedpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. D.P. Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 29-08-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 498A, 323, 341, 506, 406, 34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of a female child but at earlier point of time on 29.03.2013 the father of the petitioner filed a petition before learned Court below about the unreasonable conduct of the informant and her father and subsequently Matrimonial Suit No. 470 of 2015 was filed by the petitioner with a prayer for divorce under Section 13(1-B) of the Hindu Marriage Act. Hence, in the aforesaid circumstance, the petitioner is not in a

position to keep the informant.

In the alternative, petitioner is ready to make payment of Rs. 2000/- per month to the informant from October, 2016, by depositing the same in the bank account of the informant by second week of every consecutive month.

It is submitted by learned counsel for the informant that informant is still ready to resume the conjugal life. However, the informant is not denying the factum of filing of matrimonial suit under Section 13(1-B) of the Hindu Marriage Act. The informant, however, is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, 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, Dehri, Rohtas at Sasaram in connection with Rohtas Mahila P.S. Case No. 2 of 2015.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate

application for cancellation of bail of the petitioner.

The present order, in no way will preclude the parties to resolve the issue otherwise.

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(Dinesh Kumar Singh, J)