

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11074 of 2016

Arising Out of PS.Case No. -62 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Pankaj Kumar S/o Sukdeo Singh R/o of Village- Sahduleypur, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Rinku W/o Pankaj Kumar, D/o Binod Singh R/o- Village- Sahduleypur, P.S.- Sahebganj, District- Muzaffarpur Presently residing at Village- Amaitha, P.S.- Saraiya (Jaitpur O.P.), District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj

For the Opposite Party/s : Mr. Iftekhar Mahmood (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 21-07-2016

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 wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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 and has filed Matrimonial Suit No. 212 of 2014, though, which stood dismissed due to non-appearance, against which M.A. No. 29 of 2016 has been filed which has been wrongly incorporated in the order dated 04.03.2016 as Matrimonial Suit No. 29 of 2016. Hence, the order dated 04.03.2016 stands modified to the extent indicated above. Thereafter, the present complaint was filed on 14.01.2015. The petitioner is not ready to reconcile the issue at present.

Counsel for the complainant submits that the complainant is ready to resume the conjugal life or also ready to part ways on payment of permanent alimony.

Counsel for the petitioner submits that the petitioner is still awaiting the decision of the matrimonial suit and is ready to make payment of Rs.4,000/- per month from August, 2016 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the complainant accepts the offer and undertakes to submit the bank account number before the learned court below on affidavit 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 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 Sub-divisional Judicial Magistrate, West, Muzaffarpur in connection with Complaint Case No. 62 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The above 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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