

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10220 of 2016

Arising Out of PS.Case No. -953 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Dilip Kumar Dwivedi S/o Badri Narayan Dubey, Resident of Village -
Dubouli, P.S. - Belaon (Bhagwanpur), District - Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sweta Dwivedi, W/o Dilip Kumar Dwivedi, Resident of Village -
Dubouli, P.S. - Belaon (Bhagwanpur), District - Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Ram Sumiran Roy (App)

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

05/ 19-09-2016

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 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. 108 of 2015 with a prayer for divorce on 05.06.2015 thereafter the present complaint was filed on 25.07.2015. Though, the petitioner has filed salary slip that he earns Rs.5,000/- per month but the salary slip is disputed by the counsel for the petitioner. However, the petitioner is ready to make payment of Rs.4,000/- per month from November, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits 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 four weeks.

Considering the filing of matrimonial suit at earlier point of time by the petitioner and 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, Kaimur at Bhabua in connection with Complaint Case No. 953 of 2015, 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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