

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27174 of 2016

Arising Out of PS.Case No. -357 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

Sunil Chauhan, S/o Hazari Chauhan, residence of Vill-Maniharganj, P.O.-
Tehta, P. S.-Makhdumpur, Distt-Jehanabad.

.... Petitioner

Versus

1. State of Bihar.
2. Poonam Devi, W/o Sunil Chauhan, D/o-Ramsuhag Chauhan, R/o
Village-Maiharganj, P.O.-Tehta, P.S.-Makhdumpur, District-Jehanabad
at present residing at mohalla Chhotaki Delha, Tekari Road, P.S.-Delha,
District-Gaya.

.... Opposite Parties

Appearance:

For the Petitioner/s : Mr. Sunil Kumar Yadav
For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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

2 30-06-2016 Heard learned counsels for the petitioner and the
State.

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 498A of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and is ready

to keep the complainant and children with full dignity and honour. A statement to that effect has been made in Para-10 of the petition, which reads as follows:-

“That it is submitted that the petitioner is ready to keep her wife and children with full dignity and however and he never assaulted her nor he tortured the victim in any way.”

The petitioner and the complainant appeared before the court below, but the complainant did not agree to live with the petitioner in view of the past conduct of the petitioner.

Learned counsel for the petitioner submits 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 succeeding month.

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

Considering the present stand of the petitioner, let the petitioner above named in the event of her arrest or surrender before the Court below within a period of twelve weeks from

today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gaya in connection with Complaint Case No. 357 of 2013 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present payment will be subject to any order being passed in matrimonial, maintenance or other 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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