

Arising Out of PS.Case No. -1074 Year- 2015 Thana -COMPLAINT CASE District- KISANGANJ

Arising Out of PS.Case No. -1074 Year- 2015 Thana -COMPLAINT CASE District- KISANGANJ

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Utsav Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

3 29-09-2016

The matter has been listed under the heading “For Orders(on office note)” awaiting the service report of the notices issued to the O.P. No. 2 but since O.P. No. 2 has entered appearance through her counsel and both the petitioner and the O.P. No. 2 are present in the Court, the matter is being taken up on merits.

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Section 498A 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 complainant and is ready to keep the complainant with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner

shall not abscond nor will tamper with the evidence and he is ready to abide by the order of this Hon’ble Court. Moreover, the petitioner was/is still ready to keep and maintain his wife.”

It is submitted by learned counsel for the complainant that since petitioner has performed second marriage and has tortured in such a manner to the complainant, hence complainant is apprehensive and not ready to resume the conjugal life. The complainant, in the alternative wants some monthly payment from the petitioner so that she can save herself and the child from destitution and vagrancy.

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

It is submitted by learned counsel for the complainant that complainant 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, Kishanganj in connection with Complaint Case No. 1074 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 complainant 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.

(Dinesh Kumar Singh, J)

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