

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32548 of 2016

Arising Out of PS.Case No. -3149 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Pramod Kumar son of Sri Brij Bhushan Choubey Resident of Mohalla
Road no.1,Shakti Nagar South Bagicha Balupar, P.S. Patliputra, District
Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Kavita Kumari D/o Bashistha Narain Tiwari wife of Pramod Kumar
Resident of Mohalla New Mainpura, Saguna More, Kharja Road,
Danapur, P.O.+P.S. Danapur, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-11-2016 Though the matter has been listed under the
heading “For Office Note” but since opposite party no. 2 has
entered appearance, hence, on the joint prayer of the parties,
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 Sections 377, 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 and committing unnatural offence.

It is submitted by learned counsel for the
petitioner that only on suspicion the accusation has been

levelled. There is no medical report to support the accusation. The petitioner filed Matrimonial Suit No. 676 of 2015 when the reconciliation failed and after issuance of notice in the matrimonial suit, the present complain has been filed. It is further submitted that the evidence is going on in the matrimonial suit.

It is submitted by learned counsel for the complainant that complainant is ready to resume the conjugal life but she is apprehensive due to the past conduct of the petitioner.

It is further submitted by learned counsel for the petitioner that in the alternative, petitioner is ready to make payment of Rs. 3500/- per month to the complainant from January, 2017, 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 four weeks.

Considering the present stand of the parties, filing of matrimonial suit prior to filing of the present complaint with a lurking hope that the issue may be reconciled in future, keeping in view of the fact that payment by the petitioner to the complainant will save the complainant from vagrancy and

destitution, 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 Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 3149(C) of 2015.

The above payment will be subject to any order being passed in matrimonial, maintenance or connected 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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