

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51442 of 2015

Arising Out of PS.Case No. -578 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Santosh Kumar Sah @ Santosh Kumar Sahu son of Bhatu sah @
Bishwanath Sah, Resident of village- Mangal Gadh, Police Station-
Hasanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Kumari D/o Sri Tuntun Sah R/o Vill- Rahua P.S. Warisnagar Dist.-
Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

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

4 10-05-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

Notices were issued to the complainant vide order dated 04.11.2015. The office notes dated 28.03.2016 reflects that ordinary process of notice has been served by learned



counsel appearing on behalf of opposite party no. 2 in the court below. However, service report of registered cover notices has not been received. Let the notice issued to opposite party no. 2 be treated as deemed valid service. The matter was adjourned on 29.03.2016 due to none appearance of opposite party no. 2. None appears for opposite party no. 2 even today.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant on 21.04.2013 but the petitioner filed Matrimonial Case No. 182 of 2014 with a prayer for divorce on 09.07.2014, whereas the present complaint has been filed on 01.04.2014 hence, it is submitted that reconciliation does not appears to be feasible at present.

In the alternative, the petitioner is ready to make payment of Rs. 1200/- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

Considering the filing of Matrimonial Case at earlier point of time and the present stand of the petitioner, 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur in connection with

Complaint Case No. 578 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the complainant within a period of three weeks when it is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks. The petitioner also undertakes to appear regularly in the maintenance proceeding pending before the learned court below.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance 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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