

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11657 of 2016

Arising Out of PS.Case No. -1137 Year- 2015 Thana -SARAN COMPLAINT CASE District- SARAN

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1. Sanjay Prasad @ Sanjay Kumar Prasad son of Hiralal Prasad, resident of Village- Parsa Bazar, Police Station- Ekma, District Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar
2. Niku Devi wife of Sanjay Prasad daughter of Raj Kishore Sah, resident of Village Parsa Bazar, Police Station- Ekma, District- Saran (Chapra), at present resident of Villlage Dhobwal Bazar, Police Station- Baniapur, District- Saran (Chapra).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai
For the Opposite Party/s : Mr. Indra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-09-2016 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 498A, 323, 504, 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant having no issue but the petitioner has filed

Matrimonial Suit No. 83 of 2015 on 22.04.2015 with a prayer for divorce and thereafter the present complaint has been filed on 06.05.2015. Hence, in the aforesaid circumstance the petitioner is not ready to keep the complainant at present.

However, in the alternative, petitioner is ready to make payment of Rs. 3500/- 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 still ready to resume the conjugal life. However, the complainant is also 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 filing of matrimonial suit at earlier point of time and the present stand of the parties with objective in mind to save the complainant from destitution and vagrancy, 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, Chapra, Saran in connection with Complaint Case No. 1137 of 2015, Trial No. 1562 of 2016.

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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