

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37046 of 2016

Arising Out of PS.Case No. -615 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District- SITAMARHI

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Prashant Mishra son of Surendra Mishra resident of village Sahiyara P.S.
Sahiyara Dist. Sitamarhi.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate.

For the Opposite Party/s : Mr. Sri Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

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14-09-2016

Heard.

Petitioner being husband of the complainant is languishing in custody since 23.07.2016 in a complaint case for the offence punishable under Section 498A.

Accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in Para 3 of the supplementary affidavit which reads as follows:-

“3. That it is also submitted that the petitioner is here also giving undertaking to the effect that he is ready to keep the complainant/opposite party no. 2 with full respect and dignity but he is unable to give maintenance separately as he is out of job and fully dependent upon his father.”

The petitioner was granted provisional bail by a coordinate Bench this court vide Cr. Misc. No. 40878 of 2012,

order dated 29.01.2013, on the undertaking to make payment of Rs. 16,500/- per month to the Opposite Party no. 2 till the final decision of the pending divorce case filed by the petitioner. The petitioner made payment for one year and thereafter was not in a position to make payment and hence he surrendered. However, the petitioner is ready to make the payment of 50 % of the arrear amount as directed by a coordinate Bench of this Court in Cr Misc. 40878 of 2012 within a period of six months. The order dated 29.01.2013 passed in Complaint Case No. 40878 of 2012 was challenged in SLP No. 2452 of 2013 which has been dismissed by the Hon'ble Supreme Court vide order dated 05.04.2013.

Considering the present stand of the petitioner, let him be released **on provisional bail for six months** 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, Sitamarhi in connection with Complaint Case No. C-615 of 2012.

The provisional bail of the petitioner will be confirmed by the learned Court below on payment to the informant the 50 % of the arrear of the amount directed by a coordinate Bench.

(Dinesh Kumar Singh, J)

Prakash/-

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