

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53273 of 2015

Arising Out of PS.Case No. -201 Year- 2015 Thana -AMARPUR District- BANKA

=====

1. Rajiv Kumar @ Banti son of Kailash Yadav, Resident of village- Douna,
P.s.- Sahkund, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi, wife of Rajiv Kumar Banti, D/O Sri Yogendra Yadav,
present residing at village- Baja, P.S.- Amarpur, District- Banka

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 27-06-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 504, 506/34 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.

The petitioner and informant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the informant in 2009, but the petitioner filed Matrimonial Suit No. 55 of 2012 on 27.02.2012 with a prayer for divorce and thereafter the present case has been registered on 02.07.2015.

It is further submitted that the petitioner is an Army Personnel and differences have levelled between them and he is not ready to keep the informant with him.

However, learned counsel for the informant submits that informant is ready to resume the conjugal life.

In the alternative, the petitioner is ready to make payment of Rs. 7,500/- per month from July, 2016 to the informant by depositing the same in her account by second week of every month.

Learned counsel for the Informant submits that informant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of two weeks.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, Banka in connection with Amarapur Police Station Case No. 201 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

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 informant 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)

P.K./-

U		T	
---	--	---	--