

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1467 of 2016

Arising Out of PS.Case No. -209 Year- 2015 Thana -CHENARI District- SASARAM (ROHTAS)

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1. Om Prakash Kumar Sah son of Late Jawahir Sah, Resident of village-Samahuta, P.S.- Chenari, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Devi, Daughter of Dharmendra Sah, Resident of village-Bishrampur, P.S.- Sheosagar (Baddi), District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 17-10-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 341, 323, 498A/34 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.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant but the petitioner has filed Matrimonial Suit No. 171 of 2015 with a prayer for dissolution of marriage on 08.09.2015 which was admitted on 07.10.2015, whereas the present F.I.R was registered on 08.11.2015. Hence, in the circumstances the petitioner is not ready to keep the informant.

However, petitioner, in the alternative is

ready to make payment of Rs. 2500/- per month to the informant from December, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month.

It is submitted by learned counsel for the informant that marriage between the petitioner and the informant is admitted but on frivolous ground that informant is suffering from some mental abnormality, the matrimonial suit has been filed. The informant is still ready to resume the conjugal life. However, the informant 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 from today.

Considering the present stand of the parties and filing of the matrimonial suit at earlier point of time, 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 Additional Chief Judicial Magistrate, VII, Sasaram, Rohtas in connection with Chenari P.S. Case No. 209 of 2015.

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 informant 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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