

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37356 of 2016

Arising Out of PS.Case No. -749 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

1. Upendra Prasad @ Pintu son of Umesh Prasad Resident of Village -
Madanpur, P.S. - Madanpur, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Usha Devi wife of Upendra Prasad @ Pintu and d/o Late Kesho Prasad
Resident of Village - Hariharganj, P.O. and P.S. - Nasriganj, District -
Rohtas.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-09-2016 The petitioner being husband of the complainant has renewed his prayer for bail in a complaint case wherein processes were 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-fulfilment of dowry demand.

Earlier the prayer for anticipatory bail of the petitioner was dismissed for default by learned Additional District & Sessions Judge, Rohtas. Thereafter the petitioner preferred Cr. Misc. No. 22251 of 2016 with a prayer for anticipatory bail but the same was disposed of with liberty to

the petitioner to move before learned Sessions Judge afresh. Hence, the present application has been filed.

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 complainant and birth of two female children, out of which one child has died. The petitioner is still ready to keep the complainant and the child with full dignity and honour A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner
is ready to keep the complainant with full
honour and dignity.”

It is submitted by learned counsel for the complainant that complainant is not ready to accept the offer of the petitioner due to the past conduct of the petitioner. The petitioner did not turn up at the time of cremation of his daughter.

In the alternative, petitioner is ready to make payment of Rs. 1800/- 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 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 three weeks.

Considering the present stand of the parties, 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 Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Complaint Case No. 749 of 2014.

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)

Shageer/-

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