

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40459 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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Lal Narayan Thakur Son of Late Abhinandan Thakur, Resident of Village - Rudrapur, Police Station - Rudrapur, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumkum Thakur, Son of Ramnand Jha, Resident of Village - Loha Pipar, P.S. - Babubarhi, District - Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur
For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 22-01-2016 Heard learned counsels 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 323, 379, 498A of the Indian Penal Code and 4 of Dowry Prohibition Act and 3/4 of Dowry Prohibition Act.

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

The petitioner and the informant are present in the Court.

Counsel for the petitioner submits that the

petitioner admits his marriage with the informant on 26.05.2003 but the petitioner filed Matrimonial Suit No. 237 of 2014 with a prayer for divorce on 06.08.2014 and thereafter on 20.11.2014 the present complaint was filed which was came to be registered as police case on 16.01.2015. It is further submitted that the matrimonial suit has been filed on the ground of adultery, hence, there is no chance of reconciliation. However, the petitioner is ready to make payment of Rs.3,000/- per month from February, 2016 to the informant by depositing the same in her account by second week of every month.

Counsel for the informant submits that the informant is ready is accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Madhubani in connection with Madhubani Mahila P.S. Case No. 04 of 2015, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected 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.



DKS/

(Dinesh Kumar Singh, J.)

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