

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37380 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Pawan Kumar @ Pawan Kumar Yadav Son of Umesh Prasad Yadav
Resident of Village Bhawanipur, Police Station Singheshwar, District
Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Poonam W/o Pawan Kumar @ Pawan Kumar Yadav, D/o
Laxman Prasad Yadav Resident of Village Shankarpur, Police Station
Shankarpur, District Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

05/ 27-02-2017

Heard learned counsels for the petitioner, State
and the complainant-opposite party no. 2.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

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

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the complainant and birth of a male child. The last accusation levelled in the complaint petition is of 05.11.2014 when the complainant was driven out from the matrimonial house but for the same the complaint was filed on 30.01.2015. It is further submitted that the petitioner has filed Matrimonial Suit No. 14 of 2016 with a prayer for divorce though subsequent to the filing of the present complaint.

Earlier the matter was adjourned allowing the petitioner and complainant to make effort to resolve the issue but it is submitted by learned counsel for the petitioner that the chances of issue being reconciled is very bleak. However, the petitioner is ready to make payment of Rs.2,700/- per month from April, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits that the complainant is ready to resume the conjugal life, though she was tortured by the petitioner as well as his family members, but, reluctantly, she is ready to accept the offer of the petitioner for making monthly payment and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.



Considering the present stand of the parties, in order to save the complainant and minor child from destitution and vagrancy, with a lurking hope that the issue may reconcile in future, 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 Chief Judicial Magistrate, Madhepura in connection with Complaint Case No. 51 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 complainant 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.)

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