

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29513 of 2016

Arising Out of PS.Case No. -160 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Ankit Kumar, S/o Sri Ramjee Singh, Resident of village – Bach, P.S. – N.H.
Bangra, District – Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deepa Devi, W/o Ankit Kumar D/o Upendra Singh, resident of Village
– Bach, P.S. – N.H. Bangra, District – Samastipur, presently residing at
village – Singhia Khurd, P>S. – Mufassil, District – Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

06/ 20-01-2017

Though, the matter has been listed under the
hearing for ‘Office Note’ but since none is appearing on behalf
of opposite party no. 2, the complainant, and the matter is
pending since 21.07.2016 the matter is heard on merits.

Heard learned counsels for the petitioner and the
State.

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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant, but some or the other the compatibility could not be developed and ultimately the petitioner filed Matrimonial Suit No. 351 of 2013 on 15.12.2013 with a prayer for divorce and thereafter, the present complaint was filed on 24.01.2014.

Notices were issued to the opposite party no.2-complainant vide order dated 21.07.2016. The office note dated 26.10.2016 reflects that the notices were received by the father of opposite party no. 2. In pursuance to the affidavit filed by the petitioner that the opposite party no. 2 is residing with her father, the notices were directed to be deemed service vide order dated 08.12.2016.

However, the counsel for the petitioner submits that the petitioner is ready to make payment of Rs.1,000/- per month to the complainant from February, 2017 by depositing



the same in the court of learned Principal Judge, Family Court, Samastipur by second week of every succeeding month. The aforesaid amount will be released by the learned Principal Judge, if any, application is filed by the complainant for the release otherwise the said amount will be subject to the result of the matrimonial suit.

Considering the fact that the complainant has not appeared to controvert the contention of the learned counsel for the petitioner in spite of notices being served and the filing of the matrimonial suit at earlier point of time, 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 Sub-divisional Judicial Magistrate, Samastipur in connection with Complaint Case No. 160 of 2014, 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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