

Amresh Kumar @ Arun Kumar Vs. the State of Bihar

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Court : Patna

Decided On : May-16-2012

Appellant : Amresh Kumar @ Arun Kumar

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.42290 of 2011 Amresh Kumar @ Arun Kumar, Son of Late Sheopujan Singh, R/o Village Helhan, P.S. Paliganj, District Patna. -----Petitioner Versus The State Of Bihar -----Opposite Party ----- 02/- 16/01/2012 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. The petitioner is apprehending his arrest in connection with a case registered for the offence punishable under Sections 498(A) and 323 of the Indian Penal Code and 4 of the Dowry Prohibition Act, is named accused in this case being husband of the complainant with allegation of demand of dowry, torture etc. including having illicit relationship with another unknown lady. Submission is of total denial of allegations levelled against the petitioner. However, petitioner still intends to resume and continue the matrimonial relationship with the complainant, who is his one and only wife and mother of solitary child, who is for the present living with the petitioner. It is also submitted that in an application under Section 125 of the Code of Criminal Procedure, petitioner has already started paying a sum of Rs. 4,000/- per month to the complainant by way of interim maintenance and since she was not present, the amount as ordered is being deposited in Courts Nazarat at Jehanabad. Further, it is also submitted that petitioner will take due steps for

getting the amount, so ordered, to be deposit in the bank account of the complainant, if it is permitted by the concerned Court and accepted by the complainant. Considering the facts and circumstances of the case, in the event of continuing payment of the amount, as ordered and also take due steps for depositing the said amount in the bank account of the complainant, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner be enlarged on bail on furnishing bail- bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate/Chief Judicial Magistrate, Jehanabad, in connection with Complaint Case No. 734 of 2008/Trial No. 148 of 2011, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure with additional condition to remain physically present before the court below till disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation or even on single default in payment, the liberty granted shall be deemed to be cancelled. (Akhilesh Chandra, J.) Praveen/-

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