

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31921 of 2013

Arising Out of PS.Case No. -1324 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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Shishir Kumar Son Of Ashok Kumar Resident Of Transport Nagar, Near Bihar Hospital P.S.-Agamkuan, District-Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Pragati Raj Wife Of Shishir Kumar, Daughter Of Mahendra Kumar Resident Of Transport Nagar, Near Bihar Hospital P.S.-Agamkuan, District-Patna At Present Residing At Mohalla A.P Colony, Chiraiya And P.S.-Rampur, District-Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abdul Wadood

For the Opposite Party/s : Mr. A.L.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

16/ 30-11-2015

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 4 of Dowry Prohibition Act.

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

The matter is pending before this Court since

2013, in the meantime, the effort was made to reconcile the issue by referring the matter to the Mediation Centre.



Learned counsel for the petitioner submits that the marriage between the petitioner and complainant on 18.02.2012 is admitted but few days after the marriage the complainant deserted the petitioner as a result petitioner filed Matrimonial Suit No. 3360 of 2012 for restitution of conjugal rights on 23.05.2012, thereafter the present complaint was filed on 24.07.2012. Thereafter, the petitioner filed Matrimonial Suit No. 156 of 2013 for divorce on 26.02.2013. It is further submitted that since the complainant has levelled the nasty accusation against the father of the petitioner, hence, the petitioner is not in a position to reconcile the issue at present. However, the petitioner is ready to make payment of eight thousand rupees per month for the welfare of complainant and the child or permanent alimony on dissolution of marriage.

Counsel for the complainant submits that there is a baby girl out of the wedlock and the complainant is not ready to accept any alternative offer except to resume the conjugal life.

Considering the rival submission of the parties, it appears that both sides are not ready to budge from their

respective stand.

The matter was also referred to the mediation but the issue could not be resolved. It appears that little skirmishes have developed into an impasse. Hence in the lurking hope that with passage of time both sides may get ready to resolve the issue. This Court is inclined to grant bail. The petitioner will be a liberty to deposit rupees eight thousand from December, 2015 before the learned court below which will be invested in some fixed deposit scheme and the same will be subject to the result of the case.

On deposit of first monthly installment, 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, Gaya in connection with Complaint Case No. 1324 of 2012, 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.

If the complainant files any application for withdrawal of the monthly amount, the same will be released by the learned court below in favour of the complainant. If the complainant so wishes the monthly amount will be deposited in her account by second week of every month by the petitioner.

(Dinesh Kumar Singh, J.)

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