

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1643 of 2016

Arising Out of PS.Case No. -1635 Year- 2014 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Anand Kumar Jaiswal @ Anand Jaiswal son of late Nawlesh Kumar Jaiswal resident of Mohalla - Tetri Toli, Namkum, P.O. & P.S. Namkum, District - Ranchi (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sandhya Jaiswal D/o - Shri Rishi Prasad Jaiswal R/o - Station Road, Dumraon, P.S. - Dumraon, District - Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Bihari Sinha, Advocate

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 27-06-2016 Heard learned counsel for the petitioner and the State.

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

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

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 12.02.2016. It

appears from the report of the Mediator dated 03.05.2016 that the issue could not be resolved between the parties through the process of mediation.

The petitioner and complainant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant and he is still ready to keep the complainant as wife with due dignity and honour. Statement to that effect has been made in para- 12 of the petition which reads as follows:-

“That the petitioner is still ready to keep the complainant with full dignity and honour for which the petitioner made request to the family members of the complainant in repeated manner.”

The petitioner has filed Matrimonial Suit No. 270 of 2014 for restitution of conjugal rights.

Learned counsel for the complainant submits that at present the complainant is not ready to accept the offer of the petitioner since she is apprehensive due to cruel conduct of the petitioner. Hence, the issue does not appear to be reconciled.

In the alternative, the petitioner is ready to make payment of Rs. 7500- per month from August, 2016 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner and

undertakes to submit her Bank Account Number within a period of three weeks. Moreover the complainant is not opposing the prayer for bail of the petitioner.

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Buxar in connection with Complaint Case No. 1635 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance 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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