

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51 of 2016

Arising Out of PS.Case No. -791 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

=====

1. Chandra Shekhar Kumar Singh @ Chandra Shekhar Kumar Son of
Schindra Narayan Singh Resident of Mohalla- New Housing Board, Ps.
Barari, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Mamta Singh Wife of Chandra Shekhar kumar Singh@Chandra
Shekhar kumar, D/o Pashupatti Singh Resident of 22, Deep Nagar, D.N.
Singh Road, P.s Adampur, District Bhagalpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar
For the Opposite Party/s : Mr. Madhuranand Jha(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 04-10-2016

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

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of a child. Initially it was submitted that petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made

in para 12 of the petition which reads as follows:-

“That it is stated and submitted that petitioner is always ready to keep the complainant giving all due regards and facilities what she deserves as wife”

This fact gets reflected from the order dated 05.01.2016. But, today, it is submitted by learned counsel for the petitioner that petitioner is ready to make payment of one time settlement amount of Rs. 5,00,000/- provided the complainant agrees for dissolution of marriage.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner. Though no affidavit has been filed to this effect by either of the parties.

Considering the above submissions of the counsel for the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for three months 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, Bhagalpur in connection with Complaint Case No. 791 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below if both sides agree to file

appropriate suit under Section 13(B) of the Hindu Marriage Act before learned Principal Judge, Family Court, Bhagalpur within a period of four weeks from today. The petitioner agrees to make payment of Rs. 2,00,000/- on the date of filing of the matrimonial suit and rest of Rs. 3,00,000/- on or within one week of delivery of judgment by learned Court below in the matrimonial suit. The above payment will be made by submitting bank draft before the learned Court bellow in favour of the complainant which will be released by learned Court below in favour of the complainant. Both sides also agree to file appropriate application in the present complaint case before learned Court below stipulating the present stand of the parties.

Shageer/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--