

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24666 of 2016

Arising Out of Complaint Case No.-962 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Navin Kumar @ Naveen Kumar son of Late Uma Nath Pandey
..... Petitioner/s

Versus

1. The State of Bihar.
2. Namita Kumari wife of Navin Kumar @ Naveen Kumar, D/o Late Sunil Kumar Thakur
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

For O.P. No. : Mr. Amresh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-09-2016 Heard learned counsels for the petitioner and the State.

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

Basic accusation is of torture for non-fulfillment of dowry demand.

It appears that the matter was referred to the Mediation Centre of the Patna High Court, with consent of the parties, vide order dated 13.06.2016. The report of the mediator dated 05.09.2016 kept at 'Flag-A' reflects that the issue could not be reconciled through the process of mediation.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant, but the petitioner filed Matrimonial Suit No. 457/2014 with a prayer for divorce wherein the complainant appeared on 16.05.2015 and thereafter filed the present complaint on 22.05.2015. The matrimonial suit was decreed *ex parte* vide judgment dated 29.08.2015 passed by the learned Principal Judge, Family Court, Chapra. However, the petitioner is ready to make payment of Rs.1000/- per month to the complainant from November, 2016 by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that the complainant has filed miscellaneous application against the *ex parte* judgment of divorce passed in Matrimonial Suit No.457/2014. However, she is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of four weeks.

Considering the marriage being dissolved between the parties and present stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12

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 the learned SDJM, Samastipur, in connection with Complaint Case No.962/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

Ashwini/-

(Dinesh Kumar Singh, J)

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