

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31892 of 2016

Arising Out of PS.Case No. -854 Year- 2015 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Kumar Ashutosh Son of Arvind Kumar Singh resident of Nakta P.O.-
Nakta, P.S.- Motipur, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Jayati Wife of Kumar Ashutosh, Daughter of Jai Prakash Singh
resident of House No. 329, Mohalla- Madhopur, D.N. Road, Post-
Basudeopur, P.S.- Kotwali, District-Munger

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha

For the Opposite Party/s : Mr. Sri Yogendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

04/ 03-10-2016

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, 420 of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

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

It appears that at the very first day of the

marriage both the complainant and the petitioner doubted the bonafidey of each other. The accusation in the complaint and the averments made in the plaint of the matrimonial suit suggest that right from the date of marriage both started doubting each other. The marriage between the petitioner and the complainant on 26.05.2013 having no issue is admitted.

It is submitted by learned counsel for the petitioner that the petitioner has filed Matrimonial Suit No. 147 of 2015 with a prayer for divorce on 16.04.2015 wherein the complainant entered and submitted her written statement on 14.08.2015 and thereafter the present complaint has been filed on 01.09.2015.

The matter was referred to the Mediation Centre of the State Legal Services Authority vide order dated 01.08.2016. It appears from the report of the Mediator at Flag 'M' dated 29.09.2016 that the issue could not be resolved through the process of mediation.

In the circumstances, it is further submitted by learned counsel for the petitioner that it is not possible for the petitioner to keep the complainant.

Learned counsel for the complainant submits that the complainant is ready to resume the conjugal life in spite



of the fact that she was being tortured at the hands of the petitioner.

In view of the inconsistent stand the parties, it does not appear that the reconciliation is feasible at present.

However, counsel for the petitioner submits that the petitioner is ready to make payment of Rs.5,000/- per month from November, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account on affidavit before the learned court below within a period of three weeks.

Both the petitioner and the complainant agree to appear regularly in the present complaint case as well as matrimonial suit. Failure to appear regularly by either party, the concerned court will be at liberty to pass appropriate order in accordance with law.

Considering the filing of matrimonial suit at earlier point of time and 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Complaint Case No. 854(C) of 2015, 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.

(Dinesh Kumar Singh, J.)

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