

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30376 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Bibhash Mandal, son of Nakshtra Mandal, resident of village- Panshala, P.s.
Amarpur, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari wife of Bibhash Mandal, resident of village- Panshala,
P.S. Amarpur, District- Banka at present daughter of Binod Mandal,
resident of village Siridhanr, P.S. Sanhoula, District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Sri Ramesh Chandra

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

06/ 13-12-2016 Heard learned counsels for the petitioner, State
and the complainant-opposite party no.2.

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 3/4 of Dowry
Prohibition Act.

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

On the joint prayer for the parties the matter was



referred to the Mediation and Conciliation Centre of State Legal Services Authority vide order dated 22.07.2016, but it appears from the report of the Mediator dated 30.08.2016 at Flag 'M' that the issued could not be resolved through the process of mediation.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue but the petitioner filed Informatory Petition No. 1707 of 2014 on 26.07.2014 stating therein that the complainant has illicit relationship with one Rakesh Kumar and on 24.07.2014 the complainant eloped with Rakesh Kumar. A written report was also submitted by the mother of the complainant namely, Veena Devi to the effect that her daughter Priyanka Devi is traceless since 25.07.2014. The same has been brought on record as Annexure-2. Thereafter the petitioner has also filed Matrimonial Suit No. 04 of 2014 with a prayer for divorce and thereafter the present complaint was filed on 07.01.2015.

Learned counsel for the complainant submits that the informatory petition as well as Sanha on behalf of the mother of the complainant were filed maliciously by the petitioner to create defence. No case or written report alleged to



have been filed by the mother of the complainant and these documents have been created in order to desert the complainant and ultimately the complainant has been deserted.

Counsel for the petitioner submits that never any application was filed on behalf of the complainant or her mother that her mother had not filed any written report or the informatory petition or the same were filed by the petitioner maliciously. Further the counsel for the petitioner submits that the petitioner is ready to make payment of Rs.1,800/- per month from January, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits that the that the complainant 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 three weeks.

Considering the filing of informatory petition by the petitioner and the written report by the mother of the complainant at earlier point of time coupled with 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 Sub-divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 51 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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