

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53101 of 2015

Arising Out of PS.Case No. -1374 Year- 2014 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Manish Kumar @ Manish Mishra @ Manish Kumar Mishra
..... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Mishra Daughter of Vishnu Jee Pathak

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit, Advocate
For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-04-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant 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 is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but the petitioner filed Matrimonial Suit No.402/2014 with a prayer for

dissolution of marriage wherein the notices were issued on 08.09.2014 and, thereafter, the present complaint was filed on 10.10.2014.

This Court vide order dated 01.03.2016, on joint prayer of the parties, referred the matter to the Medication Centre of Bihar State Legal Services Authority. The report of the mediator dated 27.04.2016, kept at 'flag-A' reflects that the issue could not be resolved through the process of mediation. A supplementary affidavit has been filed to the effect that now the petitioner and the complainant both decided to part ways on payment of permanent alimony of rupees ten lakhs.

The counsel for the complainant submits that there is no dispute with regard to quantum of permanent alimony but the only dispute appears is the mode of payment of the permanent alimony.

It is jointly submitted that the petitioner will withdraw the matrimonial suit pending before the Principal Judge, Family Court, Jamshedpur. The petitioner and the complainant both will file an application under section 13B of the Hindu Marriage Act for dissolution of marriage before the Principal Judge, Family Court, Buxar, within a period of three weeks. The petitioner will submit a draft of rupees two lakhs before the Principal Judge, Family Court, on the date of filing of the application under section



13B of the Hindu Marriage Act, which will be released in faovur of the complainant. Thereafter, rest four drafts of rupees two lakhs each will be submitted by the petitioner before the Principal Judge, Family Court, Buxar in four monthly installments. Thereafter, two drafts of rupees two lakhs each will be released in favour of the complainant within a period of four months but two drafts of rupee two lakhs each will be released on the date of passing final decree by the learned Court below. It is also agreed between the parties that both sides will file an appropriate application before the learned SDJM, Buxar, in Complaint Case No.1374 C/2014 to the effect that they have resolved the issue. It is expected from the learned SDJM, Buxar, to conclude the proceeding and dispose of the same expeditiously.

Considering the present stand of the parties, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Buxar, in connection with Complaint Case No.1374 C/2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, it is made clear that in case either party

will fail to comply the undertaking given before this Court then
either party will have the liberty to file appropriate application
before this Court.

(Dinesh Kumar Singh, J)

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