

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53916 of 2015

Arising Out of PS.Case No. -2009 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Prabhat Ranjan, Son of Sri Vijay Shankar Arya, Resident of Lalan Apartment, 2nd Floor, Road No.1, Water Tank in front of Ice Factory, Rajendra Nagar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jai Narayan Lal, Son of Dhruv Narayan Lal, Resident of Village- Baheri, P.S. Baheri, District Darbhanga.
3. Shivani Kumari, W/o Prabhat Ranjan, D/o Jai Narayan Lal, Resident of Village- Baheri, P.S. Baheri, District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 22-08-2016 The order dated 27.05.2016 is modified to the extent that the Matrimonial Suit No. 5810 of 2014 was filed on 22.09.2014 for restitution of conjugal life in stead of with a prayer for divorce.

Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the daughter 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 Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-

fulfillment of dowry demand.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant on 14.12.2010 and birth of a female child. Initially, the petitioner filed Matrimonial Suit No. 5810 of 2014 on 22.09.2014 for restitution of conjugal life, thereafter the present complaint was filed on 10.12.2014. But since, prior to the marriage, the daughter of the complainant eloped with two persons, leading to lodging of Baheri P.S. Case No. 44 of 2007 with accusation under Section 366A/34 by the complainant himself, wherein the accused persons have been charge-sheeted. This fact was not known to the petitioner earlier but after coming to know all these facts. The daughter of the complainant has also filed Maintenance Case No. 123 of 2015 hence, it is submitted that reconciliation is not feasible at present.

However, the petitioner is ready to make payment of Rs. 2500/- per month from October, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Learned counsel for the complainant submits that marriage between the daughter of the complainant and petitioner is admitted. The daughter of the complainant is ready to resume the conjugal life, but the issue could not be resolved due to adamant attitude of the petitioner.



The matter was referred to the Mediation Centre of the Bihar State Legal Services Authority vide order dated 12.05.2016, but the report of the Mediator dated 19.08.2016, at Flag-B reflects that the mediation has failed, due to adamant attitude of the petitioner.

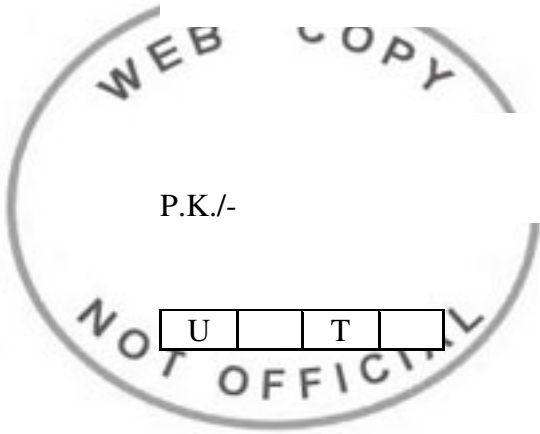
However, the daughter of the complainant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number on affidavit before the learned court below within a period of three weeks.

Considering the factual matrix of the case, reconciliation does not appear to be feasible and the present stands 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Complaint Case No. C1-2009 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

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