

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37377 of 2016

Arising Out of PS.Case No. -740 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Prabhakar son of Late Arjun Prasad Vishwakarma resident of Mohalla -
Moffarganj Argara Chowk, Police Station - Katihar, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari @ Priyanka Sharma daughter of Sri Jagarnath Sharma
Resident of Mohalla Naya Tola near Azad Hind Chowk, Police Station
Katihar, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 01-12-2016 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 4 of Dowry Prohibition Act.

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

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue but since after the marriage it was noticed that the complainant is mentally abraded the petitioner filed Matrimonial Suit No. 29 of 2015 on 19.01.2015 with a prayer for divorce and declaring the marriage as null and void and thereafter the present complaint has been filed on 31.03.2015. In the circumstances, the issue is not likely to be reconciled, at present.

Counsel for the complainant submits that there is nothing substantive on record to suggest that the complainant is mentally abraded and she is ready to resume the conjugal life.

However, counsel for the petitioner submits that the petitioner is ready to make payment of Rs.3,500/- 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 complainant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.

Considering the filing of the matrimonial suit at earlier point of time, present stand of the parties and in view to save the complainant from destitution and vagrancy with a lurking hope that the issue will be reconciled in future, 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, Katihar in connection with Complaint Case No. 740 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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