

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26330 of 2016

Arising Out of PS.Case No. -2760 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

=====

Amit Kumar Yadav @ Amit Yadav S/o Dinesh Yadav R/o Kusaha, P.S.-
Azamnagar, Distt- Katihar

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bujni Devi D/o Dilip Yadav, W/o Amit Yadav R/o and PO- Baltar, P.S.-
Azamnagar, Distt- Katihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 18-10-2016

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 of the Indian Penal Code and 4 of Dowry
Prohibition Act.

The basic accusation is of torture for non-

fulfillment of the dowry demand.



It is submitted by learned counsel for the petitioner that the petitioner was forcibly married with the complainant and at the time of marriage the petitioner was minor. The mother of the petitioner filed Informatory Petition No. 3829 of 2012 on 10.10.2012 in the court of learned CJM, Katihar stipulating the marriage of the petitioner with the complainant on gun point. The said informatory petition has been brought on record as Annexure-3. The petitioner has also filed Matrimonial Suit No. 1436 of 2014 under Section 11 and 11 of the Hindu Marriage Act on 02.12.2014 for declaring the marriage null and void. Hence, the petitioner is not ready to keep the complainant.

Counsel for the complainant submits that the complainant was married to the petitioner in 2010 as per the Hindu rights and a baby girl was born out of the wedlock. The present complaint was filed on 01.11.2014 when the torture was inflicted and thereafter the Matrimonial Suit was filed on 02.12.2014. The marriage was consummated. The Matrimonial Suit was filed after four years of the marriage, hence, it is not maintainable under Section 12 of the Hindu Marriage Act. The complainant is still ready to resume the conjugal life.

Counsel for the petitioner submits that the petitioner, in alternative, is ready to make payment of Rs.2,000/- per month from December, 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 number on affidavit before the learned court below within a period of four weeks.

Considering the present stand of the parties with a lurking hope that the issue may 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. C.A. 2760 of 2014, 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.



DKS/

(Dinesh Kumar Singh, J.)

U		T	
---	--	---	--