

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51942 of 2015

Arising Out of PS.Case No. -840 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

1. Sanjay Kumar son of Baleshwar Sah, Resident of village- Bansdih, P.S.-
Hayaghat, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Ritu Kumari W/o Sanjay Kumar, D/O Ram Babu Sah, R/o Village-
Bansdih, P.S.- Hayaghat, Distt.- Samastipur presently Resident of
Village- Dudhpura, P.S.- Samastipur, District- Samastipur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. J.N. Thakur
: Mr. Pankaj Kumar Das
For the Opposite Party/s : Mr. Abhay Kumar Roy (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 27-10-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant. The petitioner earlier filed Matrimonial Suit No. 401 of 2011 for restitution of conjugal life which was decreed ex-parte but the complainant failed to resume the conjugal life, thereafter, the petitioner Matrimonial Suit No. 19 of 2012

seeking dissolution of marriage on the ground of desertion but the same was dismissed for default and thereafter the petitioner filed Matrimonial 05 of 2015 with a prayer for divorce.

On the joint prayer of the parties, vide order dated 05.09.2016 the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator at Flag-C dated 24.10.2016 reflects that the issue could not be resolved through the process of mediation.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that both sides decided to part ways on payment of one time settlement amount of Rs. 5,50,000/- (five lacs & fifty thousands). Both sides also agree to file a matrimonial suit under Section 13(B) of the Hindu Marriage Act before learned Principal Judge, Family Court, Darbhanga within a period of one month. The petitioner agrees to make payment of Rs. 2,00,000/- out of Rs. 5,50,000/- within a period of two months and rest Rs. 3,50,000/- within a period of four months by submitting bank drafts before learned Principal Judge, Family Court, Darbhanga. Both sides further agree to file appropriate application before learned Court below stipulating the present stand with regard to the resolution of the issue when learned Court below is expected to dispose of the proceeding in

accordance with law.

Learned counsel for the complainant does not controvert the contention of the counsel for the petitioner, though no petition to the aforesaid agreed stand has been filed before this Court.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months 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, Samastipur in connection with Complaint Case No. 840 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on filing proof with regard to deposit of Rs. 5,50,000/- before learned Court below.

(Dinesh Kumar Singh, J)

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