

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36825 of 2016

Arising Out of PS.Case No. -2252 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Abhimanyu Chandra @ Kumar Abhimanyu Chandra S/o Arjun Prasad
Mandal, Moh.- Near Shankar Vastralaya, Hira Lal Chawk, P.S.+ Dist.
Begusarai Petitioner

Versus

1. The State of Bihar.
2. Namita Devi D/O Late Sachindra Prasad, R/O Vill.- Vidyadhar, P.S.+
Dist.- Khagaria, Present address: Namita Devi D/O Sandeep Kumar, R/O
Vill.- Gandhi Chawk, Thatheri Bazar, Mahendru, P.S.- Mahendru, Dist.-
Patna Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Kumar Binode Bariar, Adv.
For the Opposite Parties : Mr. Lakshmi Kant Sharma, APP 31

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 24-08-2016 Heard the learned counsel for the petitioner and the
State.

The petitioner, being the husband of the Complaint
Case No. 2252C of 2013 is apprehending his arrest in a case
registered under Sections 498A of the Indian Penal Code and 3
and 4 of the Dowry Prohibition Act.

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

The learned counsel for the petitioner submits that
the petitioner admits his marriage with the complainant on 18th
April, 2009, but, the complainant deserted the petitioner leading to
filing of Matrimonial Suit No. 40 of 2011 by the petitioner for
restitution of conjugal rites. The said suit was decreed ex parte on
30.07.2012, but, even then the complainant failed to resume the
conjugal rites. Ultimately, the petitioner filed Divorce Case No.
12 of 2013, which was also decreed on 20.05.2014. The
complaint case preferred on 29.06.2013, after filing of the
matrimonial suit though before passing of the decree of divorce.

Hence, in the circumstance, now the reconciliation is
feasible. It is, further, submitted that the petitioner made attempt

to make payment of monthly amount for the welfare of the complainant and child, but, she refused to accept the same, which gives reflection from the judgment passed in Divorce Suit no. 12 of 2013, contained in Annexure 3.

It is submitted by the learned counsel for the complainant that the complainant failed to appear in the restitution case or divorce suit since she could not receive any notice of the same. The marriage between petitioner and the complainant and birth of a child is not disputed. The complainant has preferred appeal against the decree passed in miscellaneous case.

However, the learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.1100/- for the welfare of the child from October, 2016, by depositing the same in the bank account of the complainant. The learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to furnish the bank account number within a period of three months.

Considering the filing of the matrimonial suit for restitution of conjugal rites and divorce suit, at earlier point of time and the marriage being dissolved by a decree passed by the competent Court and the present stand of the parties the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 2252(C) of 2013 to the satisfaction of the Subdivisional Judicial Magistrate, Patna.

(Dinesh Kumar Singh, J)

SA/-

U	✓	T	✓
---	---	---	---