

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26291 of 2016

Arising Out of PS.Case No. -445 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Deepak Kumar @ Dipak Kumar son of Shiv Ratan Yadav resident of Village-Kahuaara , Police Station-Bikramganj, District-Rohtas at Sasaram At present resident of village-Karup, police Station- Karakat (Gorari), District-Rohtas at Sasaram

.... Petitioner/s

Versus

1. State of Bihar
2. Nitu Devi wife of Deepak Kumar Daughter of Kameshwar Singh Resident of Village - semra, Police Station- Natwar District-Rohtas at Sasaram

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh
For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-11-2016

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 under Sections 323, 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 having no issue. It is further submitted that complainant deserted the petitioner since she has illicit relationship with her brother's brother-in-law, hence petitioner

filed Complaint Case No. 933 of 2014 with accusation under Sections 323, 380, 494, 498, 504, 120B of the Indian Penal Code against the complainant and others on 23.12.2014. It is also claimed by the petitioner that complainant admitted that she is residing as wife with her brother's brother-in-law. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 18 of the petition which reads as follows:-

“That the petitioner is
ready to keep his wife(O.P. No. 2) with full
honour and dignity.”

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the complainant that since the petitioner has levelled obnoxious allegation against the complainant, hence complainant is not ready to resume the conjugal life. In the circumstance, the reconciliation is not feasible at present.

However, it is submitted on behalf of the petitioner that in alternative, the petitioner is ready to make payment of Rs. 1500/- per month to the complainant from December, 2016, by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the

petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

Considering the rival submissions and the present stand of the petitioner and the complainant, 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 anticipatory bail, 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, Bikramganj, Rohtas at Sasaram in connection with Complaint Case No. 445 of 2015.

The above mentioned payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate 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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