

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19115 of 2016

Arising Out of PS.Case No. -923 Year- 2015 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Kapidhwaj Tripathi @ Kapidhwaj Tripathy @ Veera Ji Son of Ramakant
Tripathi R/o Kataya P.s Bihia Dist Bhojpur at present resident of Animal
Hospital near Sohnpati PS Buxar (T) Dist Buxar./

.... Petitioner/s

Versus

1. The State of Bihar.
2. Awantika Kumari Wife of Kapidhwaj Tripathi, D/o Ashok Kumar
Tiwary R/o Tiwaripur PS Buxar (Ind) Distt Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. U.S.P. Singh(App)

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

06/ 15-09-2016

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.

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. Initially it was submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is still ready to keep her with full dignity and with love and care to the complainant.”

It is further submitted that the petitioner filed Matrimonial Suit No. 51 of 2014 before the learned Principal Judge, Family Court, Buxar for restitution of conjugal rights, but when the complainant did not appear in the Matrimonial Suit, the same was withdrawn and thereafter Matrimonial Suit No. 194 of 2015 with a prayer for divorce was filed. The initial stand of the petitioner was that the petitioner is ready to withdraw the Matrimonial Suit for resuming conjugal life and application for withdrawal was also filed.

Today separate affidavits have been filed on behalf of the petitioner and the complainant that both parties have decided to part ways and make the marriage dissolve by filing a Matrimonial Suit under Section 13B of the Hindu





Marriage Act before the learned Principal Judge, Family Court, Buxar. The petitioner is ready to make payment of permanent alimony of Rs.4,00,000/- (Four lakhs) and the offer of the petitioner is accepted by the complainant, though, affidavit suggested that the payment will be made within a period of six months, but it is jointly submitted that the petitioner will make payment of Rs.1,00,000/- (One lakh) at the time of furnishing bail bond. Thereafter, Rs.1,00,000/- (One lakh) will be paid by the petitioner within two months on filing of Matrimonial Suit under Section 13B of the Hindu Marriage Act which they agree to file within a period of two weeks and lastly the petitioner will deposit draft of Rs.2,00,000/- (Two lakhs) within five months on filing of the matrimonial suit before the learned Principal Judge, Family Court, Buxar, which will be released in favour of the complainant by the learned Principal Judge, Family Court, Buxar within one week of disposal of the Matrimonial Suit. Both sides agree to file an appropriate application bringing on record the present stand of the parties.

Considering the present stand of the parties, 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, Buxar in connection with Complaint Case No. 923(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



DKS/

(Dinesh Kumar Singh, J.)

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