

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20149 of 2016

Arising Out of PS.Case No. -2068 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

=====

Punit Raman son of Shyama Nand Mandal, resident of Mohalla- Sipahi
Tola , P.S.-K.Hat,District-Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sima Kumari D/o. Ram Narayan Mandal Wife of Punit Raman,
resident of Village - Jonia, P.S.- Pranpur,District-Katihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Abhay Kumar Roy (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

07/ 20-01-2017

Heard learned counsels for the petitioner, State

and the opposite party no. 2-complainant.

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's marriage was performed with the complainant on 24.11.2013 but thereafter the complainant deserted the petitioner leading to filing of Matrimonial Suit No. 346 of 2014 on 08. 12.2014 with a prayer for restitution of conjugal life wherein the complainant appeared and filed written statement on 20.06.2015 but ultimately the restitution suit was withdrawn and Matrimonial Suit No. 49 of 2016 was preferred with a prayer for divorce. In Maintenance Case No. 251 of 2015 preferred by the complainant the Additional Principal Judge, Family Court, Katihar vide order dated 22.06.2016 directed for payment of interim maintenance of Rs.15,000/- per month from June, 2016 by first week of every succeeding month and the said amount is being paid by the petitioner.

Learned senior counsel for the complainant submits that the frivolous accusation affecting the character of the complainant has been levelled by the petitioner as gets reflected from paragraph 7 of the bail application and the complainant has been maliciously misled by the petitioner. The restitution suit was preferred and when the complainant agreed



to resume the conjugal life then it was permitted to be withdrawn with cost which suggests the conduct of the petitioner. Keeping of the educational certificates of the complainant the complainant is prevented from pursuing her educational career. It is further submitted that the maintenance amount is not being paid by the petitioner.

Considering the rival submissions of the parties, it appears that on joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 06.05.2016. The report of the Mediator dated 26.08.2016 at Flag 'X' reflects that the issue could not be resolved through the process of the mediation. The matter is being adjourned since 06.05.2016 but it does not appear that the issue is being reconciled between the parties. So far question of keeping of educational certificates and with regard to the levelling of malicious accusation against the character of the complainant cannot be decided in the present application.

In the circumstances, it is expected from the learned court below to conclude the trial of the present case expeditiously as early as possible within a period of eight months.



Keeping in view of the filing of restitution case on 08.12.2014 when the complaint was filed on 30.07.2015, though the Matrimonial Suit No. 49 of 2016⁷ was filed subsequent to the complaint and the petitioner is ready to make payment of the interim maintenance amount of Rs.15,000/- per month to the complainant awarded by the learned Additional Principal Judge, Family Court, Katihar, 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 C.A. No. 2068 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned court below on verification of this fact that up-to-date payment of interim maintenance amount has been made as ordered by the learned Additional Principal Judge, Family Court, Katihar in maintenance proceeding.

The complainant will be at liberty to file appropriate application for cancellation of the bail of the



petitioner, if the petitioner defaults in making payment of the interim maintenance amount for two consecutive months.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

DKS/

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

