

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8665 of 2016

Arising Out of PS.Case No. -2143 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

Major (Dr) Pankaj Kumar @ Pankaj Kumar son of Ganpat Thakur resident
of Sector 1B 1360 P.S. Bokaro City, District- Bokaro (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Shilpi Rani wife of Major Dr. Pankaj Kumar Daughter of Shri
Shivraj Choudhary resident of Bokaro Sector No. 1B 1360 P.S. Bokaro
City, District Bokaro (Jharkhand). At present Mohalla- Adampur, P.S.
Adampur, District- Bhagalpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

08/ 17-01-2017

Heard learned counsels for the petitioner State

and the complainant-opposite party no. 2.

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 admits his marriage with the complainant. Though, 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 16 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant with dignity and honour.”

Subsequently on the joint prayer of the parties, the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 24.10.2016. The report of the Mediator at Flag ‘A’ dated 20.12.2016 reflects that the issue has been resolved when both sides decided to part ways on payment of permanent alimony of Rs.14,00,000/-.

An affidavit has been filed on behalf of the petitioner that the permanent alimony of Rs.14,00,000/- has



already been paid through bank draft and both sides decided to file appropriate matrimonial suit under Section 13B of the Hindu Marriage Act before the learned Principal Judge, Family Court, Bhagalpur.

In the circumstances, counsel for the complainant does not controvert the contention of the learned counsel for the petitioner and is not opposing the prayer for bail of the petitioner.

It is further jointly submitted that the appropriate application will be filed in Matrimonial Suit No. 329 of 2013 and two complaint cases one is present one and there was another complaint case filed by the complainant.

It is expected from the learned Principal Judge, Family Court, Bhagalpur and the learned SDJM and the concerned court to dispose of the respective proceedings expeditiously in accordance with law.

In the circumstances, 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, Bhagalpur in connection with Complaint Case No. 2143 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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