

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32626 of 2016

Arising Out of PS.Case No. -2824 Year- 2013 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Arjun Kumar Sahani @ Arjun Sahani Son of Ramandhar Mallah Resident
of Village- Tiyar, Police Station- Assaon, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Devi wife of Arjun Kumar Sahani, Daughter of Ramaji Sahani,
Village- Gyaspur, P.O. Gyaspur, Police Station- Guthani, District-
Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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

06/ 06-02-2017 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/34 of the Indian Penal Code and 4 of Dowry
Prohibition Act.

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

Learned counsel for the petitioner that the



petitioner admits his marriage with the complainant, though, subsequently both sides have decided to part ways and a written document was prepared before the Panchayat Mukhiya and consequently all the belongings of the complainant were given to her and thereafter the present complaint has been filed. It is further 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 no. 13 of the petition, which reads as follows:-

“That the petitioner is still ready to keep his wife but she is not ready to live. The complainant appeared before the learned Additional Sessions Judge and she refused to go along with the petitioner.”

It is submitted by learned counsel for the complainant that the complainant is not ready to accept the offer of the petitioner since the petitioner has performed second marriage and a certificate to that effect of the Panchayat Mukhiya, has been brought on record by way of supplementary affidavit.

Controverting the above stand of the complainant the petitioner has also filed supplementary affidavit stating therein that he has not performed second



marriage. Paragraph no. 2 of the supplementary affidavit reads as follows:-

“That it is stated that the petitioner has not solemnized his 2nd marriage and allegation of 2nd marriage is absolutely false and concocted.”

In view of the above inconsistent stand of the parties, it does not appear that the issue is likely to be reconciled between the parties.

However, the petitioner is ready to make payment of Rs.1.600/- per month from March, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may be reconciled in future, 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, Siwan in connection with Complaint Case No. 2824 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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