

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32987 of 2016

Arising Out of PS.Case No. -850 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Raman Kumar Roy @ Raman Kumar Rai son of Subodh Roy, resident of
P&T Chowk, Barmasiya, P.S. Katihar Sahayak, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi wife of Raman Kumar Roy, D/o Satya Narayan Roy,
resident of Village Chunni, P.S. Chhatapur, District Supaul, Presently
residing at C-23 Hasoodpur, Basant Kunj, New Delhi-20.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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

09/ 18-03-2017

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.

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 and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition which reads as follows:-

“That it is stated and submitted that the petitioner is ready to keep his wife/opposite party no. 2 with love, honour and dignity which she deserves.”

The petitioner has filed Matrimonial Suit No. 130 of 2015 for restitution of conjugal rights. It is further submitted that similar was the stand of the petitioner before the learned court below. Though, the complainant has produced before the learned Sessions Judge some C.D. containing photographs suggesting the relationship of the petitioner with some other girl but the said C.D. has no authenticity, though the learned Sessions Judge has committed error of record by recording that the photograph contained in the C.D. were collected during investigation when the present case got initiated through complaint and the complaint was never transmitted for investigation. The contents of C.D. have also not been verified.



Counsel for the complainant submits that the marriage between the petitioner and the complainant having no issue is admitted. Immediately after the marriage the complainant came to know about the petitioner's illicit relationship with some other girl, when the complainant tried to persuade the petitioner to correct himself. Subsequently, some reconciliation was done with participation of the parents of the respective party but in spite of undertaking given by the petitioner he declined to sever his relationship with other girl. The photograph contained in the C.D. suggests the petitioner's relationship with some other girl and the same was produced before the learned court below. The complainant is not ready to accept the offer of the petitioner of resuming conjugal life as she is apprehensive due to the past conduct of the petitioner. However, she is ready for getting the marriage dissolve on payment of one time settlement amount. The issue could not be resolved in terms of one time settlement amount as there is dispute between the parties with regard to quantum of one time settlement amount.

However, it is submitted by learned counsel for the petitioner that the petitioner is ready to make payment of Rs.3,000/- per month from April, 2017 to the complainant for



the welfare of the complainant and to save the complainant from destitution and vagrancy since the complainant herself declined to resume the conjugal life, but the said offer of the petitioner is not acceptable to the complainant.

Counsel for the complainant submits that it is not a case in which the petitioner deserves anticipatory bail.

Considering the rival submissions of the parties, keeping in view of the fact that the petitioner is ready to keep the complainant with dignity and honour, has filed matrimonial suit for restitution of conjugal rights, ready to make payment of monthly amount of Rs.3,000/- from April, 2017 and all such offers are not acceptable to the complainant coupled with the comparative stand of the parties with a lurking hope that the issue may reconcile 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, Katihar in connection with C.A. No. 850 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The petitioner will deposit the said amount of Rs.3,000/- per month from April, 2017 before the learned court below which will be subject to result of the case. The said amount will be released by the learned court below in favour of the complainant, if she gets willing to receive such amount and files any such application. Thereafter the learned court below may order for such deposit in the account of the informant.

It is expected from the learned trial court to conclude the trial within a period of one year.

(Dinesh Kumar Singh, J.)

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