

Arising Out of PS.Case No. -3313 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

Petitioner/s

1. The State of Bihar
2. Smt Putul Rai KaviRaj @ Putul Rai W/o Dipankar KaviRaj D/o Sri Shankar Rai, At present resident of C/o Shankar Rai @ Shankar, Bangali Mohalla- Purani Bazar, Gudri Road, P.S.+ town, District-Muzaffarpur-842001.

.... Opposite Party/s

For the Petitioner/s : Mr. Ranjan Kumar Sinha
For the Opposite Party/s : Mr. Sri Pranav Kumar

4 19-01-2017 Heard learned counsels for the petitioner,
complainant and the State.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the



complainant. The petitioner is making payment of maintenance amount of Rs. 6000/- per month in pursuance to the order dated 05.08.2015 passed by learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No. 47 of 2015. Though the petitioner has also filed Matrimonial Case No. 123 of 2015 with a prayer for divorce before the Family Court, Bangalore.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 09.08.2016. The report of the Mediator at Flag-G dated 25.10.2016 reflects that the issue could not be resolved through the process of mediation.

It appears from the order dated 09.08.2016 that petitioner agreed to withdraw the Matrimonial Suit No. 123 of 2015 if the complainant wishes to resolve the issue either by way of resuming the conjugal life or by way of one time settlement. A statement to that effect has been made in paragraph no. 5 of the supplementary affidavit which reads as follows:-

“That in spite of that the petitioner is ready to settle their dispute either she will live with the petitioner or she resolve the matter by way of one time full and final settlement.”

Now, it is submitted by learned counsel for the petitioner that the marriage has been dissolved by a



judgment passed by the learned Principal Judge, Family Court, Bangalore vide judgment dated 2nd June, 2016 in Matrimonial Suit No. 123 of 2015. The petitioner was not aware about passing of judgment in the Matrimonial Suit No. 123 of 2015 on 2nd June, 2016, as a result, the statement was made in paragraph no. 5 of the supplementary affidavit that petitioner is ready to withdraw Matrimonial Suit No. 123 of 2015 and ready to keep the complainant as wife or resolve the issue by way of one time settlement which got recorded in the order dated 09.08.2016. It is further submitted that petitioner is making payment of the maintenance amount even after dissolution of the marriage.

It is submitted by learned counsel for the complainant that complainant's father is dead and she has only ailing mother. Hence, she was unable to appear in the matrimonial suit filed at Bangalore. It is further submitted that complainant was not aware about the judgment passed in the matrimonial suit. Hence, she has not challenged the same. The maintenance amount is also not being paid as per the order dated 05.08.2015 passed by learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No. 47 of 2015.

It appears surprising that a supplementary affidavit has been filed on 09.08.2016 wherein it was stated that petitioner is ready to withdraw the matrimonial suit and is also ready to keep the complainant as wife or to resolve the



issue by way of one time settlement, whereas the marriage was already dissolved vide judgment dated 2nd June, 2016.

Since the marriage has already been dissolved between the parties and the counsel for the petitioner submits that petitioner is ready to make payment of the maintenance amount, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail 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, East, Muzaffarpur in connection with Complaint Case No. 3313 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that bail bonds of the petitioner will be accepted on filing proof and verification of the fact that maintenance amount has been paid to the complainant in terms of the order dated 05.08.2015 passed by learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No. 47 of 2015.

(Dinesh Kumar Singh, J)

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