

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36196 of 2016

Arising Out of PS.Case No. -419 Year- 2015 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Vivek Singh son of Shri Suryabhan Singh, resident of Village- 492
Kailash Nagar Durga Bihar, Tajmau, P.S.- Chakeri, District- Kanpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Singh w/o Vivek Singh, D/o Sidheshwar Singh @ Lalan Singh, R/o
Village- Rajpur, P.S.- Rajpur, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Opposite Party/s : Mr. J.N. Thakur, APP
For the Informant : Mr. Rajnikant Singh, Advocate

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

6 04-02-2017 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being husband of the complainant is
apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken under
Section 498A of the Indian Penal Code and section 4 of Dowry
Prohibition Act.

The basic accusation is of torture for non fulfillment
of dowry demands.

The petitioner is present. However, the complainant
is not present.



It is submitted by learned counsel for the petitioner that the petitioner is Air Force personnel and admits his marriage with the complainant having no issue. The petitioner is ready to keep the complainant with due dignity and honour. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That, the petitioner is always ready to keep his wife with full respect and dignity. But it is she who refused to go with her husband.”

The matter was adjourned on several occasions to allow the petitioner and the complainant to resolve the issue. It is submitted that the petitioner made several attempts to get the issue reconciled but the complainant is not ready to resume the conjugal life. It is further submitted that even today he talked to the complainant and offered to keep her but the complainant is still indecisive.

It is submitted by learned counsel for the complainant that the complainant at present is not inclined to resume the conjugal life. However, she will accept if certain payments are made to her. Learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.4000/- per month from March, 2017 to the complainant by



depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant is ready to accept the offer and undertakes to provide the bank account number of the complainant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the complainant from destitution and vagrancy with lurking hope that the issue may be reconciled in future, let the above named petitioner be released on anticipatory bail in the event of 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 SDJM, Buxar in connection with Complaint Case No. 419C of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or connected proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The present order will, in no way, preclude the



parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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