

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42310 of 2016

Arising Out of PS.Case No. -1437 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Kamlesh Sharma S/o Late Kisto Sharma R/o Satrampur, Bastaul, P.S.-
Pranpur, Distt- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi D/o Gopi Sharma R/o Dwashaya Pipra, P.S.- Pranpur, Distt-
Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv
For the Opposite Party/s : Mr. Rishikesh Ojha
For the State : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 12-05-2017

Heard Mr. Sanjeev Kumar Singh, learned

counsel for the petitioner, Mr. Rishikesh Ojha, learned counsel for
the complainant and Mr. Rajendra Prasad Nat, learned counsel for
the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case,
wherein, processes were directed to be issued after cognizance
being taken for the offences punishable under Section 498A of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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 and birth of two daughters but since the complainant deserted the petitioner, he has performed second marriage. The petitioner is ready to keep the complainant as his wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

*“That it is submitted here
that the petitioner is ready to keep his wife with full
dignity, honour and respect which she deserves.”*

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority, vide order dated 28.03.2017. The report of the Mediator at Flag-B, dated 01.05.2017, reflects that the issue could not be resolved through the process of mediation since petitioner failed to appear before the Mediation Centre.

It is submitted by learned counsel for the complainant that complainant is apprehensive in resuming the conjugal life since petitioner has performed second marriage. Moreover, the petitioner is not providing any surety like transfer of some land in favour of his daughters which can inspire confidence in the complainant to go to the matrimonial house.

It is further submitted by learned counsel for the petitioner that petitioner, in the alternative, is ready to make



payment of Rs. 2000/- per month to the complainant from June, 2017, by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that complainant is reluctantly ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties and in order to save the complainant and her minor daughters from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner, above named, in the event of his arrest or surrender before the learned 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, Katihar, in connection with Complaint Case No. 1437 of 2015.

The above mentioned payment will be subject to any order being passed in matrimonial or collateral maintenance proceeding.

The petitioner, if defaults on three consecutive



occasions in making payment, such default will give liberty to the complainant to file appropriate 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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