

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43475 of 2016

Arising Out of PS.Case No. -1678 Year- 2015 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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Ravinkant Rakesh @ Ravikant Rakesh @ Ravikant Kumar Rakesh son of Jagdish Prasad Yadav Resident of Village- Gosain Tola, Ward No.6, under Municipality, Police Station- Murliganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Shiv Rani wife of Ravi Kant Kumar Rakesh, Daughter of Rajeshwar Prasad Yadav Resident of Village- Gosai Tola, Ward No.6, Post Office and Police Station- Murliganj, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 07-04-2017 Heard learned counsels for the petitioner, complainant and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 406 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

The petitioner and the complainant are present.

It is submitted by learned counsel for the petitioner



that the petitioner admits his marriage with the complainant and he is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in paragraph no. 8 of the petition, which reads as under :-

"That the petitioner is the husband of the complainant and ready to keep her with full dignity and love affection."

The petitioner has filed Matrimonial Suit No. 65 of 2016 with a prayer for divorce, but he is ready to withdraw the same.

This Court vide order dated 05.10.2016, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the 'Mediator' dated 18.01.2017, kept at 'Flag-A' reflects that the petitioner was ready to make payment of Rs.5000/- per month to the complainant, but the complainant was ready to accept the offer, on a condition that she is provided with a separate accommodation at the house of the in-laws. Similar is the stand of the informant till today.

It is submitted by learned counsel for the complainant that the impugned order reflects that the petitioner never took serious steps to get the issue reconciled. Now, the petitioner has performed second marriage hence, he does not deserve the



privilege of bail.

Considering the rival submission and inconsistent view of the parties, it appears that both sides are adamant not to reconcile the issue.

Under the circumstances, this Court is not inclined to grant bail to the petitioner.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.1678/2015, pending before the learned Judicial Magistrate, 1st Class, Madhepura.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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