

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46552 of 2016

Arising Out of Complaint Case No.-15387 Year- 2014 Thana -BEGUSARAI COMPLAINT CSAE
District- BEGUSARAI

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Rupesh Kumar, S/o Krishna Kumar @ Pago Singh, R/o Vill- Hanuman
Garhi, P.S.- Begusarai Muffasil Dist.-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Sony Kumari, D/o Sudhir Kumar, R/o Shankarpur Bakhada, P.S.-
Matihani District-Begusari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-05-2017 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner and the complainant are present.

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 Section 498A of the Indian Penal Code and
Section 4 of the Dowry Prohibition Act.

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

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



petitioner is Army personnel. Though, the petitioner was not ready to keep the complainant in view of her misbehaviour with the mother of the petitioner, but he was ready to settle the issue.

This Court vide order dated 06.02.2017, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator, dated 15.05.2017, kept at 'Flag-B' reflects that the issue has been reconciled between the parties and both are ready to resume the conjugal life. However, the Mediator's report suggests that the petitioner and the complainant could not reach to an agreement with regard to place where they would reside together.

It is submitted by learned counsel for the petitioner that the petitioner will get the residential accommodation at his place of posting after about 4-5 months and, thereafter, the petitioner will take the complainant opposite party no. 2 to his place of posting for resuming of the conjugal life in pursuance to the agreement arrived at between the parties before the Mediator.

Learned counsel for the complainant submits that the complainant accepts the offer of the petitioner and ready to reside with the petitioner after few months.

In the meantime, both sides agree to develop



compatibility by meeting each other or the petitioner may come to the complainant's parent's house during vacation/leave or take her to some other place to enjoy vacation.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail provisionally for a period of seven months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Begusarai, in connection with Complaint Case No.15387C/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below on taking of the complainant by the petitioner to his place of posting and residing together at least for a month

(Dinesh Kumar Singh, J)

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