

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44591 of 2016

Arising Out of PS.Case No. -577 Year- 2016 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Kailash Singh S/o Late Rambilash Singh R/o-Village- Raniur P.O.-Khanpur, P.S.- Dariyapur, District-Saran (Chapra)
 2. Sannu Kumari D/o Kailash Singh, W/o Bikram Singh R/o Nayajan Tola, P.S. Bhagwanpur, District - Saran, Chapra
 3. Abhishek Kumar Son of Kailash Singh R/o Village-Ranipur P.O.-Khanpur, P.S.-Dariyapur, District-Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Rani Devi W/o Rahul Kumar R/o-Village- Ranipur, P.O.-Khanpur, P.S.-Dariyapur, District-Saran at Present residing-D/o -Late Ram Kumar Singh R/o Village- Akhtiyarpur, P.S.-Mahua, District-Vaishali

.... Opposite Party/s

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with

Criminal Miscellaneous No.47469 of 2016

Arising Out of PS.Case No. -577 Year- 2016 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Rahul Kumar @ Rahul Kumar Singh S/o kailash Singh R/o Village-Ranipur P.O.-Khanpur, P.S.-Dariyapur, District-Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Rani Devi W/o Rahul Kumar R/o-Village- Ranipur, P.O.-Khanpur, P.S.-Dariyapur, District-Saran at Present residing-D/o -Late Ram Kumar Singh R/o Village- Akhtiyarpur, P.S.-Mahua, District-Vaishali

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.44591 of 2016)

For the Petitioner/s : Mr. Chaitanya Suaroop, Advocate

For the Opposite Party/s : Mr. Sri Jagdhar Prasad, Advocate

(In Cr.Misc. No.47469 of 2016)

For the Petitioner/s : Mr. Chaitanya Suaroop, Advocate

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 18-04-2017

Heard learned counsel for the petitioners,



complainant and the State.

The petitioners in Criminal Miscellaneous No. 44591/2016 being the father, married sister and brother of the husband of the complainant and the petitioner in Criminal Miscellaneous No.47469/2016 being the husband of the complainant, are 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 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 also alleged that the accused persons inflicted torture to the complainant when she went to the matrimonial house at Kolkata in pursuance to the order of the Court.

The complainant and the petitioner of Criminal Miscellaneous No.47469/2016 are present in the Court.

It is submitted by learned counsel for the petitioners that the petitioner Rahul Kumar (in Criminal Miscellaneous No.47469/2016) admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 14 of the petition in Criminal Miscellaneous No.47469/2016 which



reads as follows:-

"That the petitioner is ready to keep her with full dignity, care and love and affection."

Learned counsel for the petitioners submits that the accusation of assault at Kolkata has not been corroborated by any medical document. It is submitted by learned counsel appearing on behalf of the petitioners of Criminal Miscellaneous No. 44591/2016 that the accusation levelled against them is false, frivolous, general and omnibus in nature. The thrust of accusation is against the husband of the complainant. Moreover, these petitioners have no objection if the complainant resides in the in-laws house.

Learned counsel for the complainant submits that the complainant made an effort to reconcile the issue in view of the order passed by the learned Court below and the complainant went to in-laws house where she was brutally assaulted by the accused persons particularly by her husband Rahul Kumar. Hence, the complainant is not in a position to accept the offer of resuming the conjugal life with the petitioner Rahul Kumar. However, she is ready to resolve the issue in terms of one time settlement amount if the same is paid by the petitioner Rahul Kumar.

Learned counsel appearing on behalf of the petitioner



Rahul Kumar submits that at present the petitioner Rahul Kumar has no regular job, hence, he is not in a position to make payment of one time settlement amount. However, in alternative he is ready to make payment of Rs.4,000/- 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.

The counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner Rahul Kumar and undertakes to submit her bank account number on affidavit before the learned court below within a period of three weeks. Hence, she is not opposing the prayer for bail of the petitioner at present.

Considering the present stand of the parties, let the above named petitioners be released on anticipatory bail, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Vaishali at Hajipur, in connection with Complaint Case No.577/2016 (Tr. No.204/2016), 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, maintenance or any collateral proceeding.

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

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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