

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40531 of 2016

Arising Out of PS.Case No. -3048 Year- 2015 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Guddu Kumar Rai Son of Umesh Rai Resident of Village- Khesrahiya,
P.S.- Vaishali, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neelam Devi W/o Guddu Kumar Rai Resident of Village- Araniya, P.S.-
Jandaha, Distt- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Rana Randhir Singh

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

ORAL ORDER

8 24-07-2017 Heard learned counsel for the petitioner,

complainant and the State.

The petitioner, being the husband of the complainant, is apprehending 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 IPC and section 4 of Dowry Prohibition Act.

The petitioner and the complainant are present, in person.

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



Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and also the birth of a male child, who is residing with the petitioner. The petitioner is not ready to keep the complainant. However, the petitioner filed a Matrimonial Suit No. 262 of 2015, with a prayer for divorce on 2.11.2015, though after filing of the present complaint case on 24.8.2015.

Learned counsel for the complainant submits that the complainant is ready to resume the conjugal life but for some reason the petitioner has deserted her. The petitioner has also forcefully kept the minor child with him and is not allowing the complainant to meet her child.

This court vide order dated 3.4.2017, referred the matter to the Mediation and Conciliation Centre of Bihar State Legal Services Authority, but it appears from the report of the Mediator at Flag Z that the issue could not be resolved as the petitioner was ready to make payment of Rupees One Lac Fifty Thousand as one time settlement amount whereas the complainant was demanding Rupees Seven Lacs. The complainant made an attempt to resume the conjugal life at earlier point of time, when the petitioner preferred anticipatory bail application before the learned Sessions Judge and the order of the learned Sessions Judge



reflects that the petitioner flatly refused to keep her. When the learned Sessions Judge directed the petitioner to make payment of Rupees Five Thousand per month for maintenance, the petitioner refused to make the payment, hence, the anticipatory bail application was rejected.

Learned counsel for the petitioner, however, submits that at present the petitioner is ready to make payment of Rs.3000/- from August, 2017, by depositing the same in the bank account of the complainant by second week of every succeeding month. Learned counsel for the complainant submits that the complainant is reluctantly ready to accept the offer and undertakes to submit her bank account number on affidavit before the learned Court below within a period of two weeks. In the circumstances, at present, learned counsel for the complainant is not opposing the prayer of the petitioner for anticipatory bail.

Considering the present stand of the parties, in order to save the complainant from destitution and vagrancy, with a lurking hope that the issue may reconcile in future between the parties, let the petitioner above named be released on bail in the event of arrest or surrender within a period of twelve weeks on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



SDJM, Vaishali at Hajipur in connection with Complaint Case No. 3048 of 2015, subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

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

Three consecutive defaults in making payment will give liberty to the complainant to file an application for cancellation of bail bonds of the petitioner, before the learned Court below.

The present order, in no way, will preclude the parties to reconcile the issue otherwise.

(Dinesh Kumar Singh, J)

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