

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41918 of 2016**

Arising Out of PS.Case No. -907 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-  
BHAGALPUR

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1. Saurabh Bhardwaj Son of Chandramauli Prasad Sinha Resident of House No 19, Road No. 11 Patel Nagar, p.S- Shastri Nagar, Patna at present residing at flat No. 452, Delhi Apartment, Plot No. 15c, Sector-22 Dwaraka, P.S Dwaraka, new Delhi-110077.

.... .... Petitioner/s

Versus

1. State of Bihar  
2. Kumar Epsa Wife of Sri Saurabh Bhardwaj, D/o Rajesh Kuamr Rai Resident of Gunur, P.S- Karimuddinpur, District - Gajipur (U.P) at present residing at Mfohalla- Siyaram Nagar, Behind Blind School , Bhikhanpur, P.S- Ishakchak, District - Bhagalpur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Atul Kumar Pandey

For the Opposite Party/s : Smt. Pronati 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 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 IPC and sections 3 and 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. The petitioner filed Matrimonial Suit No. 13 of 2015 for restitution of conjugal rights. The petitioner is still ready to keep the complainant as wife. Statement to that effect has been made in paragraph 20 of the petition, relevant part of which reads as follows:

“That the petitioner is always ready and is still ready to keep her and to spend his conjugal life with the opposite party.....”

It is further submitted by learned counsel for the petitioner that similar was the stand of the petitioner before the learned court below but the complainant declined to accept the offer of the petitioner which gets reflected from the impugned order. The complainant has filed Complaint Case No. 1348 of 2014 claiming relief under sections 18,19,20 and 22 of the Protection of Women from Domestic Violence Act. In the said



Complaint Case, vide order dated 19.4.2016 passed by the learned SDJM, Bhagalpur, the petitioner has been directed to make payment of Rs.5000/- per month to the complainant as interim maintenance and the petitioner is making payment of the said amount regularly.

Learned counsel for the complainant submits that the complainant is not ready to resume conjugal life, however, she is ready to part ways on payment of one time settlement amount. The issue could not be resolved due to difference with regard to quantum of one time settlement amount.

Considering the fact that the marriage between the petitioner and the complainant is admitted and it is the complainant who is not ready to resume the conjugal life, moreover the petitioner is making payment in pursuance to the order of maintenance by the learned court below, 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 C.J.M. Bhagalpur in connection with Complaint Case No. 907 C of 2014 subject to



the conditions as laid down in Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned court below on filing the proof of up-to-date payment of maintenance amount to the complainant.

**(Dinesh Kumar Singh, J)**

Anil/-

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