

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27291 of 2016

Arising Out of Complaint Case No. -840 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Shambhu Kumar, Aged about- 25 Years, S/o Sri Kameshwar Das,
permanent Resident of Village- Maksudpur, P.S- Fathua, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Moni Kumari @ Noni Devi, Aged about -22 Years D/O Ram Das,
resident of Village- Mokama Ghat, P.S.- Mokama, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the State : Mr. J. N. Thakur, APP

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

8 11-04-2017 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 Section 498A 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.



It is submitted by learned counsel for the petitioner that the petitioner disputes the factum of his marriage with the complainant when the complainant claims to have performed marriage with the petitioner on 14.07.2012, hence, the petitioner filed Matrimonial Suit No. 891/2015 for declaring the marriage null and void, which is still pending. Moreover, the petitioner is already married person.

It is submitted by learned counsel for the complainant that the complainant was married with the petitioner on 14.07.2012, but the petitioner has deserted her. The complainant is still ready to resume the conjugal life.

This Court vide order dated 27.01.2017, 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 07.03.2017 kept at 'Flag-M' reflects that the issue could not be resolved through the process of mediation.

However, learned counsel for the petitioner further submits that in alternative the petitioner is ready to make payment of Rs. 4500/- per month to the complainant from May, 2017 by depositing the same in the bank account of the



informant by second week of every succeeding month.

It is further submitted by learned counsel for the complainant that the complainant is ready to resume the conjugal life but at present accepts the offer of the petitioner reluctantly and undertakes to submit her bank account number on affidavit before the learned court below within a period of three weeks.

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, let the above named petitioner 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, Barh in connection with Complaint Case No.840C/2014, 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 the matrimonial, maintenance proceeding, but will have no bearing with regard to the factum of marriage.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file appropriate



application for cancellation of bail of the petitioner.

The present order in no way will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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