

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33897 of 2016

Arising Out of PS.Case No. -998 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Sanjiv Kumar, son of Sri Shyam Nandan Singh, resident of village- Saraiya,
P.S.- Chautham District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari @ Anju Kumari, wife of Sanjeev Kumar, Daughter of
Sri Murlidhar Prasad Singh Resident of village + P.S.- Alamnagar
District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Advocate
For the complainant	:	Mr. Vivekanand Singh, Advocate
For the State	:	Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-04-2017 Heard Mr. Praveen Kumar Agrawal, learned counsel

appearing on behalf of the petitioner, Mr. Vivekanand Singh,
learned counsel for the complainant and Mr. J. N. Thakur, learned
counsel for the State.

The petitioner being the husband of the complainant
is apprehending his arrest in a complaint case wherein processes
have been directed to be issued after cognizance being taken for
the offences punishable under Sections 498A of the Indian Penal
Code and 4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner



that the petitioner admits his marriage with the complainant but the complainant earlier filed Complaint Case No. 1421C of 2009 with similar accusation which was withdrawn in view of the compromise entered between the parties. The petitioner filed Matrimonial Suit No. 19 of 2012 on 01.03.2012 with a prayer for divorce and thereafter the present complaint was filed on 19.08.2013.

This Court vide order dated 24.11.2016 on joint prayer of the parties, referred the matter to the Patna High Court Mediation and Conciliation Centre. The report of the Mediator dated 12.04.2017 kept at "Flag-C" reflects that the issue could not reconccile through the process of mediation.

It is further submitted by learned counsel for the petitioner that the petitioner is not ready to keep the complainant since the matrimonial suit has been filed at earlier point of time.

Learned counsel for the complainant submits that the marriage between the petitioner and the complainant is not in dispute and the complainant is still ready to resume the conjugal life.

However, learned counsel for the petitioner submits that in alternative the petitioner is ready to make payment of Rs. 3000/- 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, on instruction, submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned court below within a period of three weeks. Hence, the prayer for bail of the petitioner is not being opposed at present.

Considering the present stand of the parties in order to save the complainant from destitution and vagrancy and the filing of Matrimonial Suit at earlier point of time 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 Sub-Divisional Judicial Magistrate, Uda-Kishunganj (Madhepura) in connection with Complaint Case No.998C/2013, 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 will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

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