

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39728 of 2016

Arising Out of PS.Case No. -410 Year- 2016 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Dhanu Kumar @ Dhannu Kumar S/o Bindalal Mahto R/o Vill- Singaha, PS
Mirganj, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/o Dhanu Kumar R/o Vill singha PS Mirganj, Distt
Gopgalganj, A/P D/o Sudama Prasad R/o Vill- Chochahi, PS Mirganj, Distt
Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 20-01-2017 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 Sections 323 and 498A of the Indian Penal Code
and 3/4 of the Dowry Prohibition Act.

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

The petitioner and the complainant are present in the
court.



It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue. The initial stand of the petitioner was that the petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is always ready to keep the complainant with him as wife with all honour and dignity and undertakes to give all love, affection and status of wife.”

Subsequently, on joint prayer of the parties, the matter was referred to the Mediation & Reconciliation Centre of Bihar State Legal Services Authority vide order dated 10.11.2016. The report of the mediator dated 16.12.2016 at flag-A reflects that issue could not be reconciled through the process of mediation.

It is further submitted that the petitioner tried to reconcile the issue but was apprehensive with regard to conduct of the complainant leading to filing of informatory petition no. 3599 of 2015 on 25.11.2015 whereas the present complaint was filed on 02.01.2016.

Learned counsel for the complainant submits that immediately after marriage, torture was inflicted and subsequently malicious allegations were levelled affecting character of



the complainant. The complainant is still ready to resume the conjugal life. The mediation has failed due to apathetic attitude of the petitioner. In the circumstances, the reconciliation does not appear to be feasible at present.

It is submitted on behalf of the petitioner that in alternative the petitioner is ready to pay ₹4,000/- per month to the complainant from February, 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 ready to accept the offer of the petitioner and also undertakes to supply her bank account number to the petitioner within a period of three weeks by filing the same on affidavit before the learned court below.

Considering the stand of the parties, in order to save the complainant from destitution and vagrancy with lurking hope that the issue will be reconciled 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Gopalganj in connection with



Complaint Case No. 410 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The above payment will be subject to any order being passed in matrimonial, maintenance or any other connected 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 in no way will preclude the parties to settle the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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