

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25706 of 2016

Arising Out of PS.Case No. -216 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Chandan Kumar, son of Dayanand Prasad, resident of Village- Navinagar ,
P.S.- Deepnagar, District-Nalanda

.... Petitioner/s

Versus

1. State of Bihar
2. Pinki Devi, daughter of Ramsagar Yadav, resident of Village- Misi,
P.S.- Bakhtiyarpur District-Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate

For the Opposite Party/s : Sri Shyam Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-01-2017 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 process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A of the Indian Penal
Code and 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 admits his marriage with the complainant, but
subsequently, some differences arose between them, hence, the



petitioner filed Matrimonial Suit No.304/2014, for restitution of conjugal life, which was decreed *ex parte* in favour of the petitioner and, thereafter, the present complaint has been filed on 06.04.2015. It is further submitted that the petitioner filed Matrimonial Suit No.72/2016, with a prayer for divorce. Though, the petitioner made an effort to reconcile the issue in terms of one time settlement, but the issue could not be settled. However, the petitioner is still ready to make payment of one time settlement. A statement to that effect has been made in paragraph no. 11 of the petition, which reads as under :-

"That, it is further relevant to state here that petitioner and his family members are very idle and respected persons they want to resolve the dispute permanently by one time settlement because her behaving and character is very bad."

This Court vide order dated 03.10.2016, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of Bihar State Legal Services Authority, but the report of the Mediator dated 17.01.2017, kept at "Flag-A" reflects that the issue could not be resolved through the process of mediation.

Learned counsel for the complainant submits that the



complainant is still ready to resume the conjugal life and she is not ready to accept the offer of one time settlement amount.

Learned counsel for the petitioner further submits that the petitioner is not ready to keep the complainant.

Considering the inconsistent stand of the parties the issue is not likely to be reconciled, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.216 C/2015, pending before the learned SDJM, Barh, Patna.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

