

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 36197 of 2016

Arising Out of PS.Case No. -304 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Tapan Kapri S/o Late Anirudh Prasad Kapri, resident of Village- Tulsipur
Yamunia, P.S.- Kharik, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari @ Pinki Kapri, W/o Tapan Kapri, D/o Chandra Kumar,
Resident of Village- Tulsipur, Yamunia, Police Station- Kharik, District-
Bhagalpur, At Present resident of Madhepura, Ward No.-3, Nagar Parishad,
Police Station and District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Shailendra Kumar Singh, Advocate
For the State : Mr Sanjay Kumar Tiwary, APP

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CORAM: HON'BLE MR JUSTICE DINESH KUMAR SINGH

ORAL ORDER

7 04-04-2017

Heard learned counsel for the petitioner, complainant
and Mr Sanjay Kumar Tiwary, for the State.

Petitioner, being the husband of the complainant, is
apprehending his arrest in Complaint Case No 304 of 2015
wherein process has been directed to be issued after taking
cognizance for offences under Section 498A of Indian Penal Code
and Sections 3/4 of Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and birth of a
male child in 2009 but the complainant deserted him. The



petitioner made sincere effort to reconcile the matter but it could not be reconciled. Ultimately, on 10.03.2015, the petitioner filed HMA No 305 of 2015 before Principal Judge, Family Court at Shahadra, District – Karkardooma, Delhi with a prayer to grant decree of divorce and, thereafter, the present complaint was filed on 25.05.2015 and subsequently, Maintenance Case No 80 of 2015 was also filed on 22.07.2015.

On joint prayer of parties, this Court referred the matter to the Mediation and Conciliation Centre of Bihar State Legal Services Authority. The report of Mediator dated 08.03.2017 at Flag A reflects that the issue could not be resolved through the process of mediation. It is further submitted by the learned counsel for the petitioner that the chance of the issue being reconciled appears to be bleak.

However, the petitioner is ready to make payment of Rs 5000/- (Rupees Five Thousand) from May, 2017 to the complainant by depositing the same in the bank account of the complainant by 02nd week of every succeeding month.

The complainant is still ready to resume conjugal life. However, she is ready to accept the offer of payment reluctantly and, hence, at present is not opposing the prayer for bail of the petitioner. The complainant undertakes to submit her bank account number on affidavit before the learned Court below within a period of three weeks from today.



Considering the rival submission of the parties, since the issue is not likely to be resolved at present, in order to save the complainant from destitution and vagrancy for the present, with a lurking hope that the issue may resolve in future, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of 12 weeks from today on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Madhepura in Complaint Case No 304 of 2015 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

The above mentioned payment will be subject to any order being passed in Matrimonial, Maintenance or any other connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

M.E.H./-

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