

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26663 of 2016

Arising Out of PS.Case No. -276 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA
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1. Deepak Prasad son of Dineshwar Mahto resident of Village : Poriadih,
P.S. : Barhi, District : Hazaribagh (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anju Kumari daughter of Sri Ram Lakhan Prasad resident of Khajauti,
P.S.: Magadh University, District : Gaya.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Raghwanand

For the Opposite Party/s : Mr. Bharat Lal
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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

14 18-05-2017 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner and the complainant are present.

The petitioner is apprehending arrest in a complaint
case in which process has been directed to be issued after
cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code and sections 3 and 4 of
Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner
that the petitioner admits his marriage with the complainant on



12.2.2011. Since the complainant deserted the petitioner, he filed Matrimonial Suit No. 112 of 2012 with a prayer for divorce wherein summons were issued to the complainant on 13.5.2014. In the Matrimonial Suit No. 112 of 2014 vide order dated 12.1.2016 the learned Principal Judge, Family Court, Hazaribagh, directed the petitioner under section 24 of the Hindu Marriage Act to pay Rs.10000/- consolidated amount as cost of litigation to O.P. No. 2 and to pay Rs.3000/- per month as maintenance by 10th day of every succeeding month. Though the petitioner has not paid the said amount but has challenged the order of maintenance before the Jharkhand High Court though there is no stay of the order passed by the Principal Judge, Family Court, Hazaribagh.

In the circumstances, the petitioner is directed to make payment of maintenance as directed in the maintenance proceeding.

It is further submitted that the issue could not be resolved due to the laches on the part of O.P. No. 2. Learned counsel for the O.P. No. 2 submits that O.P. No. 2 is still ready to resume the conjugal life and to make all sincere effort in this regard but it could not be resolved since the petitioner some how or the other got reluctant.



This court vide order dated 21.11.2016, on the 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 1.3.2017 reflects that in spite of the best and sincere efforts, the mediation could not succeed. However, the O.P. No. 2 is still ready to resume the conjugal life.

Considering the rival submission of the parties, it appears that the issue is not likely to be resolved and at present since the petitioner undertakes to make payment of the maintenance amount as directed vide order dated 12.1.2016 coupled with the fact that the petitioner undertakes to appear before the learned court below, particularly, at trial, 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 twelve 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 learned CJM, Gaya in connection with Complaint Case No. 276 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C. The bail bonds of the petitioner will be accepted on filing proof of payment of litigation cost as well as the up-to-date monthly maintenance



amount to the O.P. No. 2. The said amount will be paid till the order dated 12.1.2016 is modified by any court of competent jurisdiction including subject to any order passed by the Jharkhand High Court.

(Dinesh Kumar Singh, J)

Anil/-

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