

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 43181 of 2016

Arising Out of PS.Case No. -3188 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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Kumar Vikram, son of Shiv Kumar Gupta, Resident of Mahboob Khan
Tola, PS – K Hat, District - Purnea

.... Petitioner/s

Versus

- 1 The State of Bihar
- 2 Sneha Kiran, daughter of Binod Kumar Mahto, wife of Kumar Vikram,
Resident of Raniganj (Barbana), PS – Raniganj, District - Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HON'BLE MR JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 03-04-2017

Heard Mr N K Agrawal, learned Senior Counsel for the petitioner, Mr Arun Kumar for the complainant and Mr J N Thakur, for the State. Petitioner and the complainant are also present in person.

Petitioner, being the husband of the complainant, is apprehending his arrest in Complaint Case No 3188 (C) of 2015 where process has been directed to be issued after taking cognizance for offences under Sections 498A/34 of Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

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

Learned Senior Counsel for the petitioner submits that the petitioner admits his marriage with the complainant in



2006 having no issue. The petitioner filed Divorce Suit No 145 of 2014 on 18.05.2014 with a prayer to grant divorce decree wherein the complainant entered appearance on 28.05.2015 and, thereafter, on 05th of December 2015, the present complaint was filed. The petitioner is ready to resolve the issue.

This Court, vide order dated 08.12.2016, on a joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of Mediator dated 23.03.2017 at Flag X reflects that the issue could not be reconciled through the process of mediation. It is further submitted by the learned Senior Counsel for the petitioner that the mediation could not succeed due to the apathetic attitude of the complainant.

It is submitted by the learned counsel for the complainant that complainant is still ready to resume the conjugal life. The complainant was badly tortured and was driven out from the matrimonial house. The Matrimonial Suit was filed without any intimation to the complainant and even after filing the Matrimonial Suit, the complainant was expecting the issue to be resolved but it could not be resolved due to the apathetic attitude of the petitioner.

Learned Senior Counsel for the petitioner submits



that it does not appear that the issue is likely to be resolved at present. However, the petitioner is ready to make payment of Rs 11,000/- (Rupees Eleven 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. Counsel for the complainant 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, Araria in Complaint Case No 3188C 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 that 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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