

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43071 of 2016

Arising Out of PS.Case No. -790 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Prakash Kumar @ Anandi Prasad Gupta Son of Baban Prasad Sah, resident
of Village- Danwar, Police Station- Kachhawan, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari, Wife of Prakash Kumar @ Anandi Prasad Gupta,
resident of Village- Danwar, Police Station- Kachhawan, District-
Rohtas, daughter of Shiv Shankar Prasad- Nagar Panchayat Bikramganj,
Ward No.-9, Natwar Road near Registry.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashray Roy

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

07/ 14-02-2017

Heard learned counsels for the petitioner, State

and the complainant-opposite party no. 2.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

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



complainant having no issue.

On the joint prayer of the parties vide order dated 29.09.2016 the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator dated 15.12.2016 at Flag 'X' reflects that the issue could not be resolved through the process of mediation.

It is further submitted by learned counsel for the petitioner that the petitioner is not ready to keep the complainant due to the apathetic attitude from before. However, petitioner is ready to make payment of one time settlement amount on getting the marriage dissolve or to make monthly payment.

Counsel for the complainant submits that the marriage between the petitioner and the complainant is admitted. The complainant is still ready to resume the conjugal life without any condition. Though, the matter was adjourned on several occasions but no effort was taken by the petitioner to resolve the issue. The complainant is not ready to accept the offer of one time settlement amount on dissolution of the marriage or monthly payment.

Considering the rival submissions of the parties,



this Court is of the view that the issue is not like to resolve at present, this Court is not inclined to grant anticipatory bail to the petitioner, but keeping in view of the nature of accusation, let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 790 of 2015 pending in the court of learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas.

Accordingly, this application is disposed of with the above observation and direction.

(Dinesh Kumar Singh, J.)

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