

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50017 of 2015

Arising Out of PS.Case No. -209 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

Deepak Paswan, S/o Harihar Paswan, R/o Village - Badki Tenuwa, P.S. -
Akodhi Gola, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gudiya Devi @ Priya, W/o Deepak Paswan, D/o Ram Awadh Paswan,
R/o Village + P.O. + P.S. - Nokha, District - Rohtas.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP
For O. P. No. 2 : Mr. Prabhat Ranjan Singh, Adv.

=====

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

5 08-08-2017 Heard learned Counsels appearing on behalf of the
petitioner, complainant and learned APP for 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 under section
498A of the Indian Penal Code and section 4 of the Dowry
Prohibition Act.

The prosecution case got initiated with filing of
Complaint Case No. 209 of 2014 by Opposite Party No.2 on
04.01.2014. The complainant claims to have married the petitioner
in May, 2013. Thereafter, the complainant went to matrimonial



house and stayed there for 15 days, but subsequently, further dowry demand of motorcycle was made. After the 'gauna', the complainant went to her in-laws house, when the demand of motorcycle was made and torture was inflicted. Ultimately, in November, 2013, after obtaining the signature of the complainant on blank papers and snatching her jewellery, clothes etc., the accused persons drove out the complainant from the matrimonial house. Consequently, on the solemn affirmation of the complainant and statement of the enquiry witnesses, the order of cognizance was passed.

It is submitted by learned Counsel appearing on behalf of the petitioner that the petitioner admits his marriage with the complainant, having no issue from the wedlock, but subsequent to the marriage the petitioner came to know that the complainant is suffering from schizophrenia. The medical document to that effect has been brought on record by way of Annexure-2 series.

This Court vide order dated 08.05.2017, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. Thereafter, vide order dated, 03.07.2017, in view of the report of the Mediator, dated 30.06.2017, wherein, it is stipulated that the issue is likely to be resolved, the period of mediation was further



extended.

The report of the Mediator, kept at 'Flag-A' reflects that the issue could not be reconciled through the process of mediation, since the complainant Opposite Party No.2 never appeared before the Mediator. In the background of such facts, now the petitioner is not ready to keep the complainant.

It is submitted by learned Counsel appearing on behalf of the complainant that the marriage of the complainant with the petitioner is an admitted fact and the medical document brought on record does not suggest that the complainant is suffering from schizophrenia. The complainant is still ready to resume the conjugal life. The complainant could not appear before the Mediator under certain misconception.

Considering the rival submissions of the parties, it appears that the reconciliation between the parties is not feasible at present. However, at the first appearance, the complaint does not appear to be mentally abraded, but without expressing any opinion with regard to the claim of the petitioner that the complainant is suffering from schizophrenia, the Court made a fresh attempt to get the issue reconcile.

Consequently, learned Counsel appearing on behalf of the petitioner submitted that in the alternative, the petitioner is



ready to make payment of Rs.2500/- per month to the complainant from September, 2017 by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned Counsel appearing on behalf of the Complainant, that the complainant reluctantly accepts the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, in order to save the complainant from destitution and vagrancy, with a lurking hope that the issue may reconcile in future, 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 12 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 the learned Sub-Divisional Judicial Magistrate, Sasaram, in connection with Complaint Case No.209 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial/maintenance/domestic violence or



any other collateral proceeding.

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

The present order will not preclude the parties to reconcile the issue otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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

