

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6544 of 2018

Arising Out of PS.Case No. -843 Year- 2016 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Govind Kumar @ Dharmendra Kumar, Son of Sri Ram Sagar Singh,
Resident of Village – Arjun Bigha, P.S. – Darihat, District – Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Arti Wife of Govind Kumar @ Dharmendra Kumar, Son of Sri Ram Sagar Singh, Resident of Village – Arjun Bigha, P.S. – Darihat, District – Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 23-03-2018

Heard learned counsel for the petitioner, the

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 offence punishable under Section 498A of the Indian Penal Code.

The prosecution case got initiated with Complaint Case No. 843 of 2016 filed by opposite party no. 2 Kumari Arti before Chief Judicial Magistrate, Sasaram, Rohtas on 29.08.2016 alleging therein that the complainant was married with the petitioner on 02.03.2014 but subsequent to the



marriage the torture was inflicted for non-fulfillment of further dowry demand of Rs.Two lacs. Ultimately the complainant was driven out from the matrimonial house in January, 2015 leading to filing of the complaint case.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant having no issue and is ready to keep the complainant as wife with full dignity and honour. The petitioner has filed Matrimonial Suit No. 181 of 2016 on 20.08.2016 before the learned Principal Judge, Family Court, Rohtas, Sasaram under Section 9 of the Hindu Marriage Act, 1956 for restitution of conjugal right. Statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife with full honour and dignity. Not only this prior to filing of the present complaint case the petitioner has filed a petition on 20.08.2016 vide Matrimonial Case No. 181 of 2016 before learned Principal Judge, Family Court, Rohtas at Sasaram under section 9 of the Hindu Marriage Act for restitution of his conjugal right.”



It is further submitted that on the joint prayer of the parties vide order dated 02.02.2018 the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority but the issue could not be reconciled. However, learned Principal Judge, Family Court, Sasaram, Rohtas in Maintenance Case No. 26 of 2017 has directed the petitioner to make payment of maintenance amount of Rs.2,000/- from December, 2017 which the petitioner is ready to make payment from first week of April itself by depositing the same in the bank account of the complainant.

Learned counsel for the complainant submits that the complainant is so perturbed with the past conduct of the petitioner that she is not ready to accept the offer of resumption of conjugal life. However, she prays for resolution of issue in terms of payment of one time settlement amount for which the petitioner is not ready. However, complainant is comprehensive whether the petitioner will make payment of the maintenance amount as awarded by the learned Principal Judge, Family Court, Sasaram, Rohtas. The complainant undertakes to submit the bank account number before the learned Court below on affidavit.

Considering the rival submissions of the parties, particularly, stand of the petitioner that he is ready to keep



the complainant with full dignity and honour and filing of restitution suit at earlier point of time, moreover, the present stand of the petitioner of making payment of maintenance amount as awarded by Principal Judge, Family Court, Sasaram, Rohtas, this Court is inclined to grant anticipatory bail to the petitioner in view of the present stand of the petitioner which will at least for the present will save the complainant-opposite party no. 2 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 his arrest or surrender before the learned Court below, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sasaram, Rohtas in connection with Complaint Case No. 843 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

The learned Court below will accept the bail bond of the petitioner on filing proof with regard to the payment of maintenance amount to the complainant by depositing the same in the bank account of the complainant as awarded by learned Principal Judge, Family Court, Sasaram, Rohtas.

Three consecutive defaults in making payment



will give liberty to the complainant to file application for cancellation of the bail of the petitioner.

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

(Dinesh Kumar Singh, J)

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