

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51883 of 2017

Arising Out of PS. Case No.-2311 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Manish Bihari Lal S/o Late Ram Bihari Lal, R/o New Colony, Alamganj, P.S.-
Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sulekha Kumari @ Nibha Singh D/o Sri Kundan Prasad Singh, R/o Girja
Griha, West Devi Asthan, Postal Park, Chirayatand, P.S.- Jakkampur, District-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Verma
For the Opposite Party/s	:	Mr. SRI ANIL KUMAR
For O.P. No. 2	:	Mr. Devendra Narain Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 23-02-2018 Heard learned counsels for the parties.

The petitioner and the complainant are present in court.

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 for the offences punishable under section 498A of the IPC 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 learned counsel for the petitioner that the petitioner admits his marriage with the complainant, but he submits that it is the complainant who deserted him. It is further



submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour, though no statement to that effect has been made in the petition. The complainant filed Matrimonial Case No. 200 of 2017 on 21.7.2017 before the learned Principal Judge, Family Court, Patna for dissolution of marriage on the ground of cruelty. It is further submitted that the complainant has put a condition that the petitioner should send his married sister to her in-laws house and only thereafter, she will resume the conjugal life, which is simply an excuse of the complainant as the sister of the petitioner is taking care of her disabled mother. The mediation also failed due to apathetic attitude of the complainant.

Learned counsel for the complainant submits that the complainant is ready to resume the conjugal life, provided, the petitioner sends his sister to her in-laws house, as the complainant is apprehensive due to her bad conduct.

Having heard learned counsels for the parties, it appears that on the joint prayer of the parties, this Court, vide order dated 21.12.2017, referred the matter to the Mediation and Reconciliation Centre of Patna High Court. The report of the mediator dated 25.1.2018 at Flag-X reflects that inspite of best and sincere efforts, the issue could not be resolved through the



process of mediation. The matter was adjourned on several occasion and it does not appear that the parties are ready to reconcile the issue on the term of resumption of conjugal life. The petitioner is ready to make payment of Rs.2000/- per month from April, 2018 to the complainant, by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the complainant submits that the complainant accepts the offer and is ready to submit her bank account number within a period of three weeks from today by filing the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the complainant for the present from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Patna in connection with Complaint Case No. 2311C of 2015 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or collateral 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.

(Dinesh Kumar Singh, J)

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