

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67917 of 2018

Arising Out of PS. Case No.-1314 Year-2017 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Bhabhua (Kaimur)

=====

Brajendra Kumar Ranjan S/o Late Munshi Ram R/o Village-Saamal
Khaira,P.S. Kochas,Distt.Rohtas(Sasaram)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi w/o Brajendra Kumar Ranjan D/o Late Baban Ram R/o Village-Saamal Khaira,P.S. Kochas,Distt.Rohtas(Sasaram) Presently residing at Village-Darauli,P.S.Durgawati,Distt.-Kaimur(Bhabua)

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar
For the Opposite Party/s : Mr. Binod Kumar 3

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsels for the petitioner, complainant
and 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 for the
offences punishable under Section 498A of the IPC and Sections
3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment
of further dowry demand and driving out the complainant from
matrimonial house by husband and other in-law family members.

It is submitted by learned counsel for the petitioner that
the petitioner filed Matrimonial Suit No. 116 of 2016 for divorce on



28.5.2016 before the learned Principal Judge, Family Court, Sasaram and in the said suit the complainant has entered appearance on 5.4.2017 by filing written statement, thereafter the present complaint has been filed. It is further submitted that the factum of marriage is not in dispute, however, the petitioner is not ready to keep the complainant.

It is submitted by learned counsel for the complainant that the complainant is ready to resume the conjugal life.

Learned counsel for the petitioner further submits that in alternative the petitioner is ready to make payment of Rs.3000/- per month to the complainant from January, 2018 by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the complainant, on instructions, 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.

Keeping in view the fact that the matrimonial suit was filed at earlier point of time and the fact that the present stand of the petitioner will at least 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 SDJM, Kaimur at Bhabua in connection with Complaint Case No. 1314 of 2017 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 otherwise.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

