

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25820 of 2017

Arising Out of PS.Case No. -477 Year- 2016 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Chandan Kumar Gupta Son of Tarkeshwar Prasad Gupta resident of Shahi
Colony, Road No.3, Hajipur, P.S.Hajipur, Town District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari Wife of Chandan Kumar Gupta, Daughter of Uma Nath
Prasad Gupta, Resident of Village-Salkhua, P.S.-Salkhua, District-
Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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

ORAL ORDER

09/ 09-03-2018

Heard learned counsels for the petitioner, State and
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, 379 of the Indian
Penal Code and Section 4 of Dowry Prohibition Act.

The basic accusation is of inflicting torture for non-
fulfillment of further dowry demand of Rs.Five lacs. The
complainant has also alleged that the petitioner has illicit
relationship with his maternal aunt which was objected by the



complainant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue, but it is the complainant who first deserted the petitioner as a result the petitioner filed Matrimonial Suit No. 266 of 2015 before the learned Principal Judge, Family Court, Vaishali at Hajipur on 05.11.2015 with a prayer for dissolution of marriage and thereafter the present complaint was filed on 09.05.2016. The petitioner is not ready to keep the complainant due to her past conduct. However, the issue could not be resolved in spite of the matter being referred to mediation twice on payment of one time settlement amount. However, the petitioner is ready to pay Rs.3,000/- per month from April, 2018 to the complainant by depositing the same in her bank account by second week of every month.

Learned counsel for the complainant submits that the complainant is still ready to resume the conjugal life. The mediation failed due to apathetic attitude of the petitioner which gets reflected from the report of the Mediator.

Considering the rival submissions of the parties, it appears that the effort was made to get the issue resolved and the matter is pending before this Court since about nine months.



During pendency of the same twice the matter was referred to Mediation Centre. The report of the Mediator dated 01.11.2017 at Flag 'B' and dated 03.01.2018 at Flag 'G' reflects that the issue could not be resolved since the petitioner does not want to keep the complainant whereas the complainant is not ready for one time settlement.

However, learned counsel for the complainant submits that the complainant for the present reluctantly ready to accept the offer of monthly payment with a lurking hope that the issue may resolve in future.

Considering the present stand of the parties, the filing of matrimonial suit at earlier point of time with a lurking hope that the issue may reconcile in future and at present the complainant will be save from destitution and vagrancy, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 477C of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The aforementioned payment will be subject to any order being passed in matrimonial, maintenance or any other 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)

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