

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27939 of 2017

Arising Out of PS. Case No.-1359 Year-2014 Thana- GAYA COMPLAINT CASE District-
Gaya

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Anil Kumar Yadav @ Anil Kumar, S/o- Ramchadra Yadav, R/o- Village -
New Khatkachak (Naily), P.S. Civil Lines, District- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha
For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

11 18-05-2018

Heard learned counsels for the petitioner and 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.

The prosecution case, as per the complaint filed by Complainant Prem Lata Kumari Sinha, is to the effect that the marriage of the complainant was performed with the petitioner Anil Kumar Yadav on 09.05.2018. For some time, the complainant and her husband led happy conjugal life, but subsequently, further dowry demand of Rs. 2 lakhs was made and due to non-fulfillment of the same, torture was inflicted upon the complainant and lastly on 06.11.2011, after snatching



all the belongings including the ornaments, the complainant was driven out from her matrimonial house and since then, she is residing at her parents' house.

It is submitted by learned counsel for the petitioner that the petitioner is an Air Force Personnel. The petitioner admits his marriage with the complainant, having no issue. The petitioner is ready to keep the complainant as wife, but he is apprehensive due to the past conduct of the complainant. However, he is ready to resolve the issue by making payment of one time settlement amount, statement to that effect has been made in paragraph no.9 of the petition.

The petitioner and the complainant are present in the Court.

Learned counsel for the complainant submits that the complainant is still ready to resume the conjugal life and it was the petitioner who deserted the complainant and he is not ready to keep her, however, she is not ready to take one time settlement amount and she is still ready to protect her marriage at any cost.

On the joint prayer of the parties, vide order dated 12.09.2017, the matter was referred to the Mediation & Conciliation Centre of Bihar State Legal Services Authority.



The report of the Mediator dated 06.11.2017, kept at flag-
'B', reflects that the issue could not be resolved through the
process of mediation.

However, a supplementary affidavit has been filed on
behalf of the petitioner to the effect that the gross salary of the
petitioner is Rs. 51,875/- and after deductions in different heads,
the petitioner gets Rs. 22,781 and apart from that the petitioner
has to take care of his ailing old parents and mentally abraised
brother.

In response thereto, it is submitted by learned counsel for
the complainant that the petitioner gets Rs. 25,000/- per month
deducted as G.P.F.

It is further submitted by learned counsel for the petitioner
that the petitioner is ready to make payment of Rs. 11,000/- per
month to the complainant from June, 2018 by second week of
every succeeding month, by depositing the same in the bank
account of the complainant.

Learned counsel for the complainant submits that the
complainant reluctantly accepts the offer of the petitioner and
she also undertakes to supply her bank account number by filing
the same on affidavit before the learned Court below.

Considering the present stand of the parties, in order



to save the complainant from vagrancy and destitution, 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/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 like amount each to the satisfaction of learned SDJM, Gaya in connection with Complaint Case No. 1359 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The above payment will be subject to any order being passed in matrimonial, maintenance or any other connected 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 in no way will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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