

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37799 of 2018

Arising Out of PS. Case No.-650 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Chhote Lal Maraiya @ Chhotu Kumar, Son of Lalu Maraiya, Resident of
Village-Chamaruapar, P.S.- Korha, District-Katihar.

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6
For the Opposite Party/s : Smt. Nirmala Kumari,

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned counsels for the petitioner and State.

The petitioner being the husband of the complainant 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 Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is that the complainant was married with the petitioner on 06.07.2012. Subsequently, they were blessed with two children. But after two years of marriage, further demand of motorcycle was made and for non-fulfillment of the same, torture was inflicted upon her and the complainant was driven out from her matrimonial house.

It is submitted by learned counsel for the petitioner that the



petitioner admits his marriage with the complainant and birth of two children. It is further submitted that it is the complainant who deserted the petitioner. The petitioner has filed Matrimonial Suit No. 411 of 2017 for restitution for conjugal right and the petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 8 of the petition, which reads as follows:-

“That it is humbly submitted and stated here that petitioner always ready to keep his wife and children and main herself with full dignity and honour.”

Learned counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner as she is apprehensive due to past conduct of the petitioner.

In the circumstances, learned counsel for the petitioner submits that the petitioner is ready to pay Rs. 1,500/- per month to the complainant from August, 2018 by depositing the same in the bank account of the complainant by the second week of every month.

Learned counsel for the complainant submits that the complainant accepts the offer of the petitioner and she also undertakes to provide her bank account number within a period of three weeks by filing the same on affidavit before the learned Court below.



Considering the present stand of the parties, in order to save the complainant and her two minor children 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 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, Katihar in connection with C.A. Case No. 650 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The above mentioned payment will be subject to any order being passed in matrimonial, maintenance or any other collateral proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of the bail bonds of the petitioner.

It is made clear that the present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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