

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36618 of 2018

Arising Out of PS. Case No.-2725 Year-2016 Thana- SARAN COMPLAINT CASE District-
Saran

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Ashutosh Ranjan, Son of Umesh Chandra, Resident of Village – Vishunpura,
P.S. - Chapra Muffasil, District – Saran at Chapra. At present residing at
Mohalla – Uma Nagar, P.S. - Ahiyapur, District – Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.

2. Ruby Kumari, Wife of Ashutosh Ranjan, Daughter of Chandrama Prasad,
Resident of Village – Vishunpura, P.S. - Chapra Muffasil, District – Saran at
Chapra. At present residing at Village – Karn Kudariya, P.S. Mashrakh,
District – Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh
For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 11-12-2018 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner, being the husband of the complainant,
is apprehending his 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 Indian Penal
Code and Sections 4 of Dowry Prohibition Act.

The prosecution case as per the complaint is that the
complainant's marriage was performed with the petitioner on
03.03.2014, but subsequent to marriage further dowry demand



of a Scorpio vehicle was made and on non-fulfillment of the same, the complainant was tortured and thereafter, on 07.01.2015 the complainant gave birth to a male child. It is also alleged that on 07.01.2016, the in-law family members after snatching her jewelleries and belongings ousted the complainant from the matrimonial house.

On submission of learned counsel for the petitioner that the petitioner is still ready to get the issue resolved through mediation, vide order dated 03.07.2018, the notices were issued to the opposite party no.2-complainant.

The petitioner and the complainant are present in the Court.

On joint prayer of the parties vide order dated 24.09.2018 the matter was referred to Mediation and Reconciliation Centre of Patna High Court. The report of the Mediator kept at Flag 'B' reflects that the issue could not be resolved between the parties through the process of mediation.

It is submitted by learned counsel for the complainant that the complainant is ready to resume the conjugal life and the mediation failed due to apathetic attitude of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is not ready to accept the offer of the



complainant due to her past conduct and behaviour.

Considering the submissions made on behalf of the parties, the marriage between the petitioner and the complainant and birth of a male child out of the wedlock are admitted facts. It appears from the impugned order passed by the learned Sessions Judge that it was submitted on behalf of the petitioner that he is ready to keep the complainant as wife but when the complainant appeared with child, the petitioner failed to appear. Similar fact was adopted by the petitioner before this Court also as the matter was adjourned on the prayer of the petitioner on 01.11.2018, when the petitioner did not appear then the matter was again adjourned for 26.11.2018. On 26.11.2018 the petitioner did not appear when the matter was adjourned for 10.12.2018. On 10.12.2018 also, the petitioner failed to appear due to some examination to which he was to appear. This Court is not inclined to accept this as a valid ground for taking such stand by the petitioner.

However, the petitioner is ready to make payment of Rs.2,500/- per month from January, 2019 to the complainant for the welfare of the child and the complainant by depositing the same in the bank account of the complainant by 10th day of every succeeding month.



Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account detail on affidavit before the learned Court below within a period of three weeks.

In the circumstances, this Court is inclined to take a lenient view in the matter.

Considering the present stand of the petitioner in order to save the complainant and child 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 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, Saran at Chapra in connection with Complaint Case No. 2725 of 2016, subject to the conditions 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 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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