

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36348 of 2018

Arising Out of Complaint Case No.-174 Year-2017 Thana- JEHANABAD COMPLAINT
CASE District- Jehanabad

Prabhu Prasad, Son of Late Arun Prasad, resident of Village- Kataya, P.S.-
Obara, District- Aurangabad at present residing at Village- Narsan, P.S.-
Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ekta Devi, Wife of Prabhu Prasad and daughter of Radhamohan Prasad,
resident of Village- Terra, P.O. & P.S.- Karpi, District- Arwal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Srivastava, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 30-11-2018 Heard learned Counsels for the petitioner,
complainant and 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 Indian Penal
Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complainant is that
the marriage of the complainant was performed with the
petitioner on 28.05.2015. Thereafter, for some time, the
complainant was kept with dignity and honour in the
matrimonial house, but thereafter, further dowry demand of



Rs.50,000/- and an Alto Car was made by the petitioner and other in-laws family members and due to non-fulfillment of the same, torture was inflicted on the complainant. It is further alleged that on 10.05.2017, an attempt was made to kill the complainant by setting her in fire by pouring kerosene oil and ultimately, on 19.05.2017, the complainant was driven out from the matrimonial house.

This Court, vide order dated 28.06.2018, on submission of the petitioner to the effect that he is ready to keep the complainant with dignity and honour, issued notice to the complainant-Opposite Party No.2, whereupon, consequently, the petitioner and the complainant appeared. But, the complainant was reluctant to resume the conjugal life as she was apprehensive due to past conduct of the petitioner. However, on 20.09.2018, it was jointly submitted before this Court that both sides are ready to reconcile the issue and the petitioner was willing to go to the complainant's house on 26th of September, 2018 and stay there for ten days to instill confidence into the complainant as the complainant was apprehensive due to past conduct of the petitioner.

It is submitted by learned counsel for the petitioner that in pursuance to the order of this Court, the petitioner went



to the house of the complainant and stayed there for ten days in order to instill confidence into the complainant, but he was not treated there well and respectfully by the in-laws family and the complainant. However, learned counsel for the petitioner further submits that he is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no. 7 of the petition, which reads as under :-

“....and is still ready to keep the opp. Party No.2 with full dignity and honour....”

It is submitted by learned counsel for the complainant that though the petitioner came and stayed in the house of the complainant, but he did not make any effort to pursue the complainant and to reconcile the issue or to instill confidence into the complainant and in such circumstances, the complainant is not ready to go to the house of the petitioner as she is still apprehensive due to the ill-treatment and past conduct of the petitioner.

However, learned counsel for the petitioner further submits that, in alternative, the petitioner is ready to make payment of Rs.1,500/- per month to the complainant from January 2019 by depositing the same in the bank account of the complainant by second week of every succeeding month.



Learned counsel for the complainant further submits that the complainant reluctantly accepts the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned Court below within a period of three weeks.

Keeping in view the lack of initiative on behalf of the petitioner and the complainant to reconcile the issue, this Court is not inclined to adjourn the matter any further.

However, considering the present stand of the parties keeping in view the fact that the present payment will at least save the complainant and the minor 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 12 weeks from today, 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, Arwal, in connection with Complaint Case No.C-174/2017 , subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance 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 will not preclude the parties to
reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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