

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37890 of 2018

Arising Out of PS. Case No.-154 Year-2017 Thana- PATNA COMPLAINT CASE District- Patna

Laxman Choudhary S/o Late Karu Choudhary, R/o Vill.- Sorampur, P.O. + P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi D/o Late Jhagu Choudhary, R/o Vill.- Ranipur, P.S.- Mehandiganj, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Opposite Party/s : Mr. Sri Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 07-12-2018 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 Section 4 of Dowry Prohibition Act.

The prosecution case is that the marriage between the complainant and the petitioner was performed on 14.03.2008 and subsequently, they were blessed with a female child, but after 1 ½ years of the marriage, further dowry demand of a motorcycle was made and due to non-fulfillment of same, torture was inflicted on the complainant by the petitioner and other in-law family members and ultimately, the complainant was driven



out from the matrimonial house.

On submission of learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That it is relevant to state here that the petitioner is ready to keep his wife (opp. party no 2) with full dignity and respect but she does not want to reside with the petitioner so she has filed this false case.”

This Court issued notice to the complainant-opposite party no.2.

On the joint prayer of the parties, this Court vide order dated 29.10.2018 referred the matter to the Mediation and Reconciliation Centre of Patna High Court but the mediation failed, since the complainant declined to resume the conjugal life, whereas the petitioner is ready for the same and further the complainant failed to appear on the date fixed, i.e., 05.11.2018.

It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the complainant as wife with full dignity and honour. It is further submitted that the petitioner has also filed Matrimonial Suit for restitution of conjugal rights.

However, learned counsel for the complainant submits



that the complainant is reluctant to accept the offer of the petitioner since she is apprehensive due to the past conduct of the petitioner.

It is submitted by learned counsel for the petitioner that, at present, 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 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.

Considering the present stand of the parties which, at present, will save the complainant 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, Patna City in connection with Complaint Case No. 154 of 2017, 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 connected 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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