

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36350 of 2018

Arising Out of PS. Case No.-183 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Vishnu Kumar @ Vishnu Kumar Mahto, Son of Sri Dhodhai Mahto, Resident
of Village- Basopur, P.S.- Samastipur (Muffasil), District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mala Devi, Daughter of Shree Kailash Mahto, Resident of Village- Muriyara,
P.S.- Angarghat, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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 Sections 3/4 of Dowry Prohibition Act.

The prosecution case as per the complainant is that
the complainant's marriage was performed with the petitioner
on 31.05.2017, subsequently, further dowry demand of a
motorcycle and a gold chain and a motorcycle was made and on
non-fulfillment of the same, the complainant was tortured and
ousted from the matrimonial house by the petitioner and other
in-law family members.



On submission of learned counsel for the petitioner that the petitioner admits his marriage with the complainant and that he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That the petitioner is ready to keep complainant i.e. his wife with full dignity and honour.”

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. The report of the Mediator dated 27.11.2018 kept at Flag ‘MR’ reflects that the issue could not be resolved between the parties through the process of the mediation.

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.

However, learned counsel for the complainant submits that the complainant is reluctant to accept the offer of the petitioner since the petitioner is having illicit relationship with some other woman. However, learned counsel for the complainant further submits that the complainant is ready to



part ways on payment of one time settlement amount and it is further submitted that they tried to resolve the issue during mediation also on the said terms but due to the dispute with regard to quantum of payment of one time settlement amount the mediation failed.

It is submitted by learned counsel for the petitioner that, at present, the petitioner is ready to make payment of Rs.2,000/- 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, Dalsingsarai,
District – Samastipur in connection with Complaint Case No.
183 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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