

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5628 of 2019

Arising Out of PS. Case No.-208 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

Chandan Singh son of Vijay Singh Resident of village- Dhongra, P.S. Amba,
District Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Soni Kumari wife of chandan Singh, Daughter of Suchit Singh, resident of village- Dhongra, at Present resident of Aanjantole Rathaur Bigha, P.s.- Madanpur, District- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 10-07-2019 Heard learned counsels for the petitioner, complainant
and APP for 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 Sections 498A and 323 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the complainant Soni Kumari is to the effect that the complainant was married with the petitioner on 23.4.2017 but subsequent to the marriage, further dowry demand of Rupees Fifty Thousand cash, a refrigerator and a motorcycle was made and due to non fulfillment of the same, torture was inflicted upon the complainant by the petitioner and other family members.



The petitioner and the complainant are present in Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant, having no issue. The petitioner made several attempts to reconcile the issue but when the complainant declined to resume the conjugal life, the petitioner filed Matrimonial Suit No. 6 of 2018 which is pending before the learned Principal Judge, Family Court Aurangabad and thereafter the complaint was filed on 15.3.2018. It is further submitted that the petitioner is still ready to keep the complainant as wife with full dignity and honour.

However, it is submitted by learned counsel for the complainant that the complainant is not ready to accept the offer of the petitioner as she is apprehensive due to past conduct of the petitioner.

Learned counsel for the petitioner further submits that the petitioner works as a labourer in a shop and claims to earn Rs.3,000/- per month hence he is ready to make payment of Rs.1,500/- per month to the complainant from August, 2019 by depositing the same in her bank account by second week of every succeeding month. However, the complainant is not



satisfied with the quantum of monthly payment.

The learned counsel for the complainant, on instructions, submits that the complainant reluctantly accepts the offer of the petitioner and is ready to submit her bank detail number within a period of three weeks from today by filing the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the complainant, for the present, from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Aurangabad in connection with Complaint Case No. 208 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or 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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