

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13985 of 2019

Arising Out of PS. Case No.-1831 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

ANAND KUMAR S/o Hussaini Singh R/o Village- Tothan, P.S.- Lalganj,
District - Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kirti Kumari W/o Anand Kumar R/o Village- Tothan, P.S.- Lalganj, District - Vaishali at present D/o Nandlal Singh, R/o Village- Haribanshpur, P.S.- Bhagwanpur, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rina Sinha
For the Opposite Party/s	:	Mr.Mukesh Kumar Singh
For O.P. No. 2	:	None.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 10-07-2019 Heard learned counsels for the parties.

The petitioner 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/34 of the IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is to the effect that the marriage of the petitioner with the complainant was performed on 21.4.2014 but subsequent to the marriage, further dowry demand was made and due to non-fulfillment of dowry demand, torture was inflicted on the complainant by the petitioner and his family members. It is further alleged that



ultimately, after snatching all the belongings, the complainant was driven out of her matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her 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 his wife with full dignity & love but the complainant does not want to lead her conjugal life with the petitioner reason best known to her.”

On the joint prayer of the parties, vide order dated 7.3.2019, the matter was referred to mediation but the report of the Mediator dated 1.4.2019 reflects that the complainant refused to go to the husband's house. The report of the Mediator reads as follows:

“Both husband and wife present, upon discussion mediation failed as wife refused to go with husband.”

Considering the nature of accusation, report of the Mediator and the fact that the petitioner is still ready to keep the complainant as wife with full dignity and honour but it is the complainant who is not willing to resume the conjugal life, 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, Vaishali at Hajipur in connection with Complaint Case No.1831 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

However, the grant of anticipatory bail to the petitioner will not preclude the complainant to resume the conjugal life. If she files such application before the learned Court below, the learned Court below will issue notice to the petitioner for complying the undertaking of keeping the complainant as wife with dignity and honour.

(Dinesh Kumar Singh, J)

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