

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14627 of 2019

Arising Out of PS. Case No.-602 Year-2018 Thana- COMPLAINT CASE District- Araria

Md. Imran, Son of Abdul Halim Resident of Village - Mahajali, P.S.-
Mahalgaon, Distt.- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Farhana, Wife of Md. Imran Resident of Village - Mahajali, P.S.-
Mahalgaon, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 07-08-2019 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 3/4 of Dowry Prohibition Act.

The basic accusation against the petitioner, as per the
complaint petition, is of torturing the complainant for non-
fulfillment of the further dowry demand.

The petitioner and the complainant are present in the
Court.



Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of two children. Both the children are residing with the petitioner.

On the joint prayer of the parties, this Court vide order dated 11.03.2019 referred the matter to the Mediation and Reconciliation Centre of Legal Services Committee of Patna High Court. The report of the Mediator dated 24.07.2019 at Flag 'B' reflects that the issue was resolved in terms of resumption of the conjugal life.

It is submitted by learned counsel for the petitioner that the complainant went to the matrimonial house and thereafter, she again deserted the petitioner. Hence, on one pretext or the other the complainant is not inclined to resume the conjugal life.

Learned counsel for the complainant submits that the complainant was being tortured at matrimonial house by the petitioner, as a result, she left the house but admits that the children are residing with the petitioner.

In the circumstances, it appears that the issue may not reconcile in the present proceeding.

In the circumstances, the petitioner is ready to make payment of Rs.2,000/- per month to the complainant from



September, 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, reluctantly, 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, Araria in connection with Complaint Case No. 602C of 2018, 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 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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