

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18645 of 2019**

Arising Out of PS. Case No.-4402 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Bishwajeet Kumar @ Bishwajeet Singh, Son of Sri Ram Pravesh Singh,
Resident of Road No. 5A Ashok Nagar, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Rashmi Singh, Wife of Bishwajeet Kumar @ Bishwajeet Singh
Resident of Mohalla- Ashok Nagar,(Road No. 5A) P.S.- Kankarbag, District-
Patna, Presently residing with her Father nemely, Ramjee Singh Chauhan
Flat No.303 Ramayan Apartment,J.P Das Lane New Dak Bunglow Road,
P.S.-Gandhi Maidan, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Pradeep Narain Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

8 04-09-2019 Heard learned counsels for the petitioner and 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 Section 498A of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is to the effect that the complainant was married with the petitioner on 16.04.2017, but subsequently, further dowry demand of Rs. 10 lacs was made and due to non-fulfillment of the same, torture was inflicted upon the complainant by the petitioner and other



in-law family members.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner initially made effort to reconcile the issue, but the complainant herself deserted the petitioner, as a result, the petitioner filed Matrimonial Suit No. 1004 of 2018, though after filing of the complaint case, with a prayer for decree of divorce.

Learned counsel for the complainant submits that torture was inflicted upon the complainant by all the accused persons including the petitioner for non-fulfillment of further dowry demand of Rs. 10 lacs. It is further submitted that the petitioner has filed matrimonial suit with a prayer for divorce as a retaliatory measure, subsequent to filing of the complaint case. However, the complainant is still ready to resume the conjugal rights.

On a joint prayer of the parties, vide order dated 15.05.2019, the matter was referred to the Mediation and Conciliation Centre, Patna High Court Legal Services Committee. The report of the Mediator dated 08.07.2019, kept at flag- 'M' reflects that the issue could not be resolved due to non-consensus with regard to quantum of one time settlement amount, as the complainant demanded Rs. 27,00,000/- while the



petitioner was ready to pay only Rs. 12,00,000/-.

However, in alternate, learned counsel for the petitioner submits that the petitioner is ready to pay Rs. 9,000/- per month to the complainant from October, 2019 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant, on instruction, submits that the complainant is reluctantly ready to accept the offer of the petitioner and she undertakes to submit her bank account details by filing the same on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties, which, in view of this Court, will save the complainant from destitution and vagrancy for the present, with a lurking hope that the issue may reconcile between the parties in future, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned SDJM, Patna in connection with Complaint Cae No. 4402C of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.



The aforementioned payment will be subject to any order being passed in matrimonial, maintenance or any other collateral proceedings.

The complainant will be at liberty to file an application for cancellation of the bail of the petitioner if he defaults for three consecutive occasions in making payment.

It is made clear that the present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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